RULE HEARING

Exhibits List

October 5-6, 2026

The Minnesota Pollution Control Agency places the exhibits required under Minnesota Rules, part 1400.2220, items A to L into the hearing record for proposed amendments to Minnesota Rules, chapter 7007, and proposed new rule language in Minnesota Rules, chapter 7012, governing air toxics regulations (known as the Air Toxics Regulations rule). Items A to K are keyed to items A to K of Minnesota Rules, part 1400.2220. Unless otherwise stated, the document is enclosed.

Revisor ID 04807; CAH Docket No. 5-9003-39347

A. Enclosed:

A-1. Requests for Comments (RFCs) published in the *State Register* on July 24, 2023.

B. Not enclosed: A petition for the rulemaking because no petition was filed on the rules.

C. Enclosed: The proposed rules with the Revisor's certificate of approval.

D. Enclosed: (Please find items D-1 through D-6 separately on the MPCA webpage, due to size of the documents.)

D-1. Statement of Need and Reasonableness (SONAR)

D-2. SONAR Exhibit S1: Other states' air toxics regulations

D-3. SONAR Exhibit S2: Screening threshold value development

D-4. SONAR Exhibit S3: Inhalation health benchmarks.

D-5. SONAR Exhibit S4. Screening Threshold for Regulated Air Toxics Analysis (STRATA) Spreadsheet (link to Excel spreadsheet)

D-6. SONAR Addendum, dated October 2026

E. Enclosed: A copy of the transmittal letter showing that the MPCA sent the Statement of Need and Reasonableness (SONAR) to the Legislative Reference Library.

F. Enclosed: the Notice of Hearing as sent and published in the May 18, 2026 edition of the *State Register.*

G. Enclosed:

G-1. Certificate of Accuracy of the Mailing List, and Certificate of Sending the Notice of Intent to Adopt Rules with a Hearing to the rulemaking mailing list.

G-2. The GovDelivery bulletin with recipient count.

H. Enclosed: the Certificate of Additional Notice.

I. Enclosed: (Please find items I-1 and I-2 separately on the MPCA webpage, due to size of the documents.)

I-1. All written comments and submissions on the proposed rules that the Agency received during the comment period.

I-2. the Agency's response to comments received.

J. Not enclosed: This exhibit J is reserved for a copy of the document from the Chief Judge authorizing the agency to omit the text of any proposed rule from the Notice of Intent to Adopt at a hearing published in the *State Register.* This is not applicable for this rulemaking as the entire proposed rules were published in the *State Register*.

K. Enclosed: any other document or evidence to show compliance with any other law or rule that the Minnesota Pollution Control Agency must follow to adopt the rules.

K-1. A certificate of sending the Notice and the Statement of Need and Reasonableness to Legislators and the Legislative Coordinating Commission.

K-2. A copy of the transmittal letter showing the Agency sent notice to Legislators per Minnesota Statutes, section § 14.116.

K-3. A copy of the transmittal letter showing the Agency consulted with the Minnesota Management and Budget (MMB) in compliance with Minnesota Statutes § 14.131, and MMB's reply received on May 20, 2026.

L: Not enclosed: additional documents received during the hearing, post-hearing, and rebuttal periods.

L-1. Copy of slides from the MPCA presentation at the October 5, 2026 and October 6, 2026, rule hearings.

L-2. Hearing Comments. Will be submitted as a transcript from the Court Reporter once complete.

L-3. Post-hearing comments.

L-4. Agency preliminary response to post-hearing comments.

L-4. Rebuttal comments.

L-5. Agency final response to post-hearing and rebuttal comments.

EXHIBIT A

A. Enclosed:

A-1. The Request for Comments as published in the State Register on July 24, 2023.

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)

Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules; Executive Orders; Appointments; Commissioners' Orders; Revenue Notices; Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids, Contracts and Grants

Monday 24 July 2023

Volume 48, Number 4

Pages 77 - 106

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

REQUEST FOR COMMENTS for Planned New Rules Governing Air Toxics Regulations, *Minnesota Rules*, Chapter 7012 with Possible Amendments to Chapters 7002, 7005, 7007, 7017, and 7019; Revisor's ID Number R-04807

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on possible new air rules, *Minnesota Rules*, Chapter 7012. The MPCA may consider updates to additional air rules chapters 7002, 7005, 7007, 7017, and 7019, should the need be identified in the rule review process. This rulemaking is referred to as the Air Toxics Regulations Rule and will apply to the facilities that emit air toxics and are located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington. The MPCA is required to undertake this rulemaking to comply with ***Laws of Minnesota 2023, chapter 60, article 8, section 5*** and the scope of this rulemaking is limited to that purpose. The MPCA is considering amendments to the listed rule chapter and requests comments on the proposed amendments from affected or interested parties. See the **Comments** and **MPCA Contact Person** sections of this notice for information on how to submit comments.

This request for comments (RFC) is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section.

If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rulemaking, if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

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

Subject of Rules. The MPCA requests comments on its possible new rules governing air toxics regulations for facilities that emit air toxics and are located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington. The required content of the rules is contained in Laws of Minnesota 2023, chapter 60, article 8, section 5. Briefly, the legislature established definitions for air toxics and environmental justice area and directed the agency to adopt rules to implement and govern regulation of facilities that emit air toxics in the listed counties. The rules must address:

Subd. 4. Content of rules. (a) The rules required under subdivision 3 must address, at a minimum:

(1) specific air toxics to be regulated, including, at a minimum, those defined under subd. 1;

(2) types of facilities to be regulated, including, at a minimum, facilities that have been issued an air quality permit by the commissioner, other than an Option B registration permit under Minnesota Rules, part 7007.1120, and that:

(i) emit air toxics, whether the emissions are limited in a permit or not; or

(ii) purchase or use material containing volatile organic compounds;

(3) performance tests conducted by facilities to measure the volume of air toxics emissions and testing methods, procedures, protocols, and frequency;

(4) required monitoring of air emissions, including using continuous emission monitoring systems for certain facilities, and monitoring of production inputs or other production parameters;

(5) requirements for reporting information to the agency to assist the agency in determining the amount of the facility's air toxics emissions and the facility's compliance with emission limits in the facility's permit;

(6) record keeping related to air toxics emissions; and

(7) frequency of facility inspections and inspection activities that provide information about air toxics emissions.

(b) In developing the rules, the commissioner must establish testing, monitoring, reporting, record-keeping, and inspection requirements for facilities that reflect:

(1) the different risks to human health and the environment posed by the specific air toxics and amounts emitted by a facility, such that facilities posing greater risks are required to provide more frequent evidence of permit compliance, including but not limited to performance tests, agency inspections, and reporting;

(2) the facility's record of compliance with air toxics emission limits and other permit conditions; and

(3) any exposure of residents of an environmental justice area to the facility's air toxics emissions

Other states' air toxics programs have several common features such as emissions reporting, health thresholds that facilities must meet, health benchmarks in rule that are similar to air quality standards, modeling/monitoring requirements if air levels are above rule-based health benchmarks, and specific communication/engagement efforts. Most rely on air toxics evaluation during permitting, because it allows a facility and the state to tailor compliance requirements and ensure adequate emission reductions.

The MPCA is requesting comment on the features of an air toxics regulation rule such as:

- Setting risk thresholds that facilities must meet for all pollutants (e.g., 1 in 100,000 cancer risk facility wide)
- Setting health benchmarks in rule that are similar to ambient air quality standards
- Requiring a modeling or monitoring analysis to determine if air levels are above rule-based health benchmarks
- Requiring specific communication and/or engagement at certain air levels with fenceline communities
- Other aspects of air toxics programs in other states that MPCA should consider

The MPCA may consider other amendments and miscellaneous housekeeping changes to the identified rule chapters should the need be identified in the rule review process and as time permits. For example, MPCA may choose to amend rules related to the required content described above for consistency, clarity, or to align the possible new rules with existing state rules or state statute changes.

Parties Affected. The new rules would likely affect the following in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington:

(1) People living in environmental justice areas. "Environmental justice area" "…means one or more census tracts in Minnesota:

(i) in which, based on the most recent data published by the United States Census Bureau:

(A) 40 percent or more of the population is nonwhite;

(B) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or

(C) 40 percent or more of the population over the age of five has limited English proficiency; or

(ii) located within Indian Country, as defined in United States Code, title 18, section 1151;…"

(2) Owners or operator of permitted and unpermitted facilities that emit air toxics that would be regulated under this rule.

The MPCA may choose to appoint an advisory committee or other structure for eliciting public, stakeholder, and expert feedback on the possible rules during rule development.

Comments. Interested parties may submit written comments or information on these possible rules until **4:30 p.m. on Friday, September, 22, 2023**. During the public comment period associated with this RFC, submit written comments or information to the:

1) Office of Administrative Hearings (OAH) Rulemaking eComments website at ***https://minnesotaoah.granicusideas.com***; or

2) OAH Attn: William Moore, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the OAH Rulemaking eComments website at ***https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf***. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the OAH at 651-361-7900 or by email at ***William.T.Moore@state.mn.us***.

Comments received are public and will be available for review at the OAH Rulemaking eComments website at ***https://minnesotaoah.granicusideas.com/discussions*** and at the OAH at the address listed above.

The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this RFC. The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes* section, 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

NOTE: The MPCA will carefully consider all comments received in response to this RFC. However, these comments will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only the written comments received in response to the draft rules after they are proposed with a Notice of Intent to Adopt Rules. If you submit comments during the RFC stage of rule development and want to ensure that the ALJ reviews them, you should resubmit your comments after the rules are formally proposed with a Notice of Intent.

Where to Get More Information. The concept document which includes a detailed explanation about the planned rule amendments, and other information about this rulemaking is available on the rulemaking webpage at ***https://www.pca.state.mn.us/get-engaged/air-toxics-regulations***.

MPCA Contact Person. The MPCA contact person is Yolanda Letnes at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; email yolanda.letnes@state.mn.us; telephone 651-757-2527. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

1. During the public comment period associated with this request for comments:

    a. Submit all comments in response to this notice as described under **Comments**.
    b. Submit any clarification questions or requests for more information to the MPCA contact person listed above.

2. After the public comment period closes, route communications to the following staff:

a. Rulemaking process: Yolanda Letnes at 651-757-2527 and ***yolanda.letnes@state.mn.us***
b. Technical subject expert: Hassan Bouchareb at 651-757-2653 and ***hassan.bouchareb@state.mn.us***

Rules Drafts. The MPCA has not yet drafted the possible rules. Parties interested in being notified when a draft of the rules is available and of other activities relating to this rulemaking are encouraged to register at: ***http://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic_id=MNPCA_526*** (MPCA GovDelivery-Rulemaking: Air Toxics Regulations).

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the **MPCA contact person**.

Statutory Authority. *Minnesota Statutes,* section 116.07, subdivision 4 authorizes the MPCA to adopt rules for prevention, abatement, or control of air pollution; and ***Laws of Minnesota 2023, chapter 60, article 8, section 5***, require the commissioner of the MPCA to adopt rules to implement and govern regulation of facilities that emit air toxics. The content of the rule is specified in the law.

Date: June 27, 2023

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

Minnesota Pollution Control Agency

REQUEST FOR COMMENTS for Planned New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules*, chapter 7001; Revisor's ID Number R04805

Overview. The Minnesota Pollution Control Agency (MPCA) is requesting comments on legislatively mandated amendments to air rules, *Minnesota Rules*, ch. 7001. This rulemaking project is referred to as the Cumulative Impacts Analysis Rule. The MPCA is required to undertake this rulemaking to comply with ***Laws of Minnesota 2023, chapter 60, article 8, section 3***, and the scope of this rulemaking is limited to that purpose. The MPCA is planning to amend the listed rule chapter and requests comments on the proposed amendments from affected or interested parties. See the **Comments** and **MPCA Contact Person** sections of this notice for information on how to submit comments.

This request for comments (RFC) is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section.

If you have ideas related to this rulemaking that we need to consider, please submit them in writing. Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up and helps to ensure informed decision-making on our part. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

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

Subject of Rules. The MPCA requests comments on the development of new rules governing cumulative impacts analysis for permit decisions in environmental justice (EJ) areas. The MPCA will develop rules that involve the expansion of cumulative impacts analysis for air permit projects. Many issues are outlined, and many definitions are already defined in the legislation, and the MPCA is seeking comment on various parts of a future rule. As required by statute, the rules would apply to:

(a) This section applies to an application for a permit by a facility that:

(1) is located in or within one mile of a census tract that is part of an EJ area; and

EXHIBIT B

A. Not enclosed: a petition for rulemaking because no petition was filed on the rules.

Office of the Revisor of Statutes
Administrative Rules

TITLE: Proposed Permanent Rules Relating to Air Toxics Regulations

AGENCY: Pollution Control Agency

REVISOR ID: R-4807

MINNESOTA RULES: Chapters 7007 and 7012

INCORPORATIONS BY REFERENCE: [See attached]

The attached rules are approved for
publication in the State Register

Cindy K. Maxwell

Cindy K. Maxwell
Assistant Deputy Revisor

INCORPORATIONS BY REFERENCE:

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

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

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

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

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

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

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

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

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

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

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

Pollution Control Agency

Proposed Permanent Rules Relating to Air Toxics Regulations

7007.0100 DEFINITIONS.

[For text of subparts 1 to 6b, see Minnesota Rules]

Subp. 6c. **Air toxics facility.** "Air toxics facility" has the meaning given in part 7012.0055, subpart 8.

Subp. 7. **Applicable requirement.** "Applicable requirement" means all the following as they apply to emissions units in a stationary source (including requirements that have been promulgated or approved by the EPA or the commissioner through rulemaking at the time of issuance but have future effective compliance dates):

[For text of items A to V, see Minnesota Rules]

W. any standard or other requirement established under section 110(a)(2)(D)(i)(I) of the Clean Air Act that regulates interstate transport of pollutants; ~~and~~

X. any standard or other requirement of Minnesota Statutes, section 116.385, the White Bear Area Neighborhood Concerned Citizens Group Ban TCE Act, banning the use of trichloroethylene (TCE) on or after June 1, 2022, and prohibiting the commissioner from issuing a permit after January 1, 2022, that authorizes the use of TCE; and

Y. any standard or other requirement regulating an air toxic under chapter 7012.

[For text of subparts 7a to 29, see Minnesota Rules]

7007.1100 GENERAL PERMITS.

[For text of subparts 1 to 10, see Minnesota Rules]

Subp. 10a. **Ineligibility for general permit.** An owner or operator must apply for a part 70, state, capped, or registration permit option within 120 days of the commissioner's written request for the application if the commissioner determines that:

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

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

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

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

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

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

[For text of subpart 11, see Minnesota Rules]

7007.1125 REGISTRATION PERMIT OPTION C.

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

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

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

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

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

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

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

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

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

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

(2) calculating an estimated monthly average for normal operations.; and

F. for a stationary source that is an air toxics facility and emits air toxics from VOC-containing materials, the air toxics screening threshold certification required under part 7012.0200, subpart 1, for applications received after the effective date of chapter 7012.

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

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

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

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

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

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

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

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

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

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

7007.1130 REGISTRATION PERMIT OPTION D.

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

[For text of item A, see Minnesota Rules]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. comply with the requirements of part 7007.1110; and

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

7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.

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

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

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

Subp. 2. **Ineligible sources.**

[For text of item A, see Minnesota Rules]

B. A stationary source may not obtain a capped permit if air quality specific conditions or limits not contained in parts 7007.1140 to 7007.1148 were assumed:

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

(2) in obtaining a negative declaration in an environmental assessment worksheet; ~~or~~

(3) in demonstrating compliance with any state or national ambient air quality standards; or

(4) in demonstrating compliance with any screening threshold values in part 7012.0300, subpart 1, or acceptable risk levels in part 7012.0560, subpart 3.

[For text of items C to E, see Minnesota Rules]

7007.1145 CAPPED PERMIT APPLICATION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Information required.** This subpart describes the standard information that is required in a capped permit application. This subpart does not limit the agency's statutory authority for requiring information in addition to that which is specifically listed. Applicants must submit the following information as required by the standard application form:

[For text of items A to G, see Minnesota Rules]

H. For a stationary source that is an air toxics facility, the air toxics screening threshold certification required under part 7012.0200, subpart 1.

[For text of subpart 3, see Minnesota Rules]

7007.1146 CAPPED PERMIT; COMPLIANCE REQUIREMENTS.

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

A. comply with parts 7007.1140 to 7007.1148;

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

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

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

~~D.~~ E. for the sum of actual NO_x emissions from the stationary source in a calendar year determined under this part, not exceed the estimated future annual NO_x emissions in units of tons per year used to comply with part 7007.1148; and

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

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

Where: n = number of months in operation;

N = emission limit through month n; or

(2) P = L/12

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

P = emission limit for each month.

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

[For text of subpart 2, see Minnesota Rules]

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

[For text of item A, see Minnesota Rules]

B. if the change results in increased SO_2, NO_x, or PM-10 emissions, demonstrate, using a method in part 7007.1148, that ambient air quality standards will continue to be met after the change is made; ~~and~~

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

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

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

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

7012.0050 APPLICABILITY; OTHER LAW.

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

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

7012.0055 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7012.0060 EXEMPTIONS BY PERMIT TYPE.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the air emissions risk analysis report:

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

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

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

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

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

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

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

7012.0100 COMPLETE SUBMISSIONS.

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

7012.0140 CERTIFYING SUBMISSIONS.

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

7012.0150 AIR TOXICS SCREENING THRESHOLD ANALYSIS.

Subpart 1. **Screening threshold requirement.**

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

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

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

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

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

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

7012.0160 REPEATED AIR TOXICS SCREENING THRESHOLD ANALYSIS.

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

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

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

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

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

B. follow the calculation methods under part 7012.0400.

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

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

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

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

7012.0170 ADDITIONAL SCREENING THRESHOLD ANALYSIS.

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

A. the commissioner receives information that parameters used in the previous air toxics screening threshold analysis or an air emissions risk analysis do not accurately represent the air toxics facility's operations used to establish:

(1) an exemption under part 7012.0070; or

(2) the results reported to the commissioner under part 7012.0200 or 7012.0560;

B. alterations or modifications to the air toxics facility will result in or have the potential to result in an increase in the amount of one or more air toxics emitted or the addition of an air toxic emitted by the air toxics facility;

C. the air toxics facility has not conducted an air toxics screening threshold analysis or an air emissions risk analysis for an air toxic for which screening threshold values have been newly established or updated since the last analysis;

D. data from additional risk-based determinations under subitems (1) to (4) demonstrate possible exceedances of screening threshold values established in part 7012.0300, subpart 1, or acceptable risk levels established in part 7012.0560, subpart 3:

(1) the agency's analysis of air emissions data, known as MNRISKS;

(2) a cumulative impacts analysis under part 4410.4300 or 4410.4400; Minnesota Statutes, section 116.07, subdivision 4a; or other applicable law and regulations;

(3) an air emissions risk analysis; or

(4) an equivalent risk-based determination;

E. the air toxics facility moves operations from the location of its previous screening threshold analysis; or

F. the air toxics facility cannot provide proof of previously conducting a screening threshold analysis.

Subp. 2. **Notification of required additional analysis.**

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

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

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

(1) consider the information provided; and

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

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

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

Subpart 1. **Certification deadline.**

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

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

Permit type	Initial air toxics screening threshold analysis certification due
Individual state permit under part 7007.0200	1 year after the effective date of this chapter
Individual federal permit under part 7007.0250	1 year after the effective date of this chapter
Capped permit under part 7007.1140	2 years after the effective date of this chapter
General permit under part 7007.1100	2 years after the effective date of this chapter
Registration permit option C under part 7007.1125, unless exempted under part 7012.0060	3 years after the effective date of this chapter
Registration permit option D under part 7007.1130	3 years after the effective date of this chapter

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

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

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

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

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

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

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

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

D. the information required under part 7012.0140.

7012.0300 AIR TOXICS SCREENING THRESHOLD VALUES; INCORPORATION BY REFERENCE.

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

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

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

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

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

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

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

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

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

Subp. 3. **Hourly emissions.**

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

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

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

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

(2) required by an existing permit; or

(3) integral to the process.

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

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

(2) required by an existing permit; or

(3) integral to the process.

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

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

A. emergency generators;

B. fire pumps;

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

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

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

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

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

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.

7012.0450 COMPLIANCE DETERMINATION PROTOCOL.

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

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

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

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

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

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

C. 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;

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

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

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

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

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

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

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

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

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

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

7012.0500 REVISING COMPLIANCE DETERMINATION PROTOCOLS.

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

A. 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;

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

C. screening threshold values are updated or removed.

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

A. 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;

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

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

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

7012.0530 MODELING REQUIRED.

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

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

7012.0550 AIR EMISSIONS RISK ANALYSIS PROTOCOL.

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

Subp. 2. **Required content.**

A. The air emissions risk analysis protocol must contain:

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

(2) 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;

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

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

(b) test data referenced;

(c) relevant averaging times for each pollutant; and

(d) potential to emit calculations; and

(4) meteorological data and computer dispersion modeling files from the AMS/EPA Regulatory Model.

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

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

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

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

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

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

C. specify the deadline for resubmitting the protocol; and

D. establish a schedule for resubmitting supplemental information.

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

7012.0555 AIR EMISSIONS RISK ANALYSIS PROTOCOL; SUBMISSION DEADLINES.

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

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

7012.0558 INCORPORATIONS BY REFERENCE; AIR EMISSIONS RISK ANALYSIS.

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

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

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

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

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

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

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

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

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

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

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

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

7012.0560 AIR EMISSIONS RISK ANALYSIS REPORT.

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

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

(1) each of the following acceptable risk levels:

(a) cancer risk;

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

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

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

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

(3) air dispersion modeling output information from the AMS/EPA Regulatory Model, including:

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

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

(c) monthly averaging over five years of the most recent meteorological data; and

(d) annual average for each year of the five years of the most recent meteorological data; and

(4) calculation methods, in a format approved by the commissioner, for estimating the inhalation, multipathway, and endpoint risk using the hierarchy for inhalation health benchmarks in item G;

B. a checklist of all necessary air emissions risk analysis supporting documents, including facility information, the reason for completing an air emissions risk analysis, required air emissions risk analysis forms, required permit forms, and tools for estimating risk;

C. facility information; a project description; general neighborhood information; exposure information; and maps of sensitive receptors, nearby permitted air emissions facilities, zoning, land use, farming locations, and fishable water bodies;

D. a list of modeling files, detailed modeling descriptions, an air emissions risk analysis emissions source summary, a meteorological data summary, a terrain and geospatial summary, and a building summary;

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

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

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

(1) the Department of Health:

(a) health-based values;

(b) risk assessment advice; or

(c) volatile organic compound inhalation toxicity values;

(2) Integrated Risk Information System values;

(3) provisional peer-reviewed toxicity values;

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

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

(6) national ambient air quality standards;

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

I. potential to emit calculations;

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

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

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

(3) a narrative description of the preclusion measures;

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

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

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

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

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

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

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

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

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

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

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

Subp. 3. **Acceptable risk levels.** 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;

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

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

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

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

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

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

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

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

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

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

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

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

C. establish a schedule for resubmitting necessary information; and

D. specify the deadline for resubmitting the report.

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

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

7012.0565 AIR EMISSIONS RISK ANALYSIS REPORT; SUBMISSION DEADLINES.

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

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

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

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

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

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

7012.0568 NOTIFICATION TO POTENTIALLY IMPACTED RESIDENTS.

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

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 where risk estimates are equal to 90 percent of acceptable risk levels; and

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

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

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

B. a list of air toxics targeted for reductions;

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

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

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

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

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

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

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

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

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

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

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

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

7012.0570 AIR TOXICS REDUCTION PLAN; REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. any updated plan remains subject to commissioner approval.

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

Subp. 7. **Reporting.**

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

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

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

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

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

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

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

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

7012.0600 RECORD KEEPING.

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

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

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

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

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

(3) if an owner or operator assumes a reduction of air toxics emissions due to recycling or disposing of material off site, records of the amount of disposed material, the amount of material shipped off site for recycling, the air toxics content shipped off site for recycling, and the calculations done to determine the amount of air toxics to subtract. Acceptable records include the SDSs, invoices, shipping papers, and hazardous waste manifests.

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

(1) the air toxics emissions using the method in subpart 3;

(2) the calculation used to arrive at the total for each air toxic emission under subitem (1); and

(3) a list of the associated emissions units in which the material was used.

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

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

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

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

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

A. the location of the emission points;

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

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

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

7012.0650 AMBIENT AIR MONITORING REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. either:

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

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

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

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

EXHIBIT E

From:	Backstrom, Erica (She/Her/Hers) (MPCA)
To:	"sonars@lrl.leg.mn"
Cc:	Wenger, Maggie (MPCA)
Subject:	MPCA"s SONAR for Air Toxics Regulations rulemaking - Revisor ID 04807
Date:	Friday, May 15, 2026 1:40:00 PM
Attachments:	R-04807 Cover letter to Legislative Library.pdf Air Toxics Regulations Statement of Need and Reasonableness (ag-rule4-12n).pdf SONAR Exhibit S1-Other States" Air Toxics Regulations (ag-rule4-12o).pdf SONAR Exhibit S2-Screening Threshold Value Development (ag-rule4-12p).pdf SONAR Exhibit S3-Inhalation Health Benchmarks (ag-rule4-12q).pdf SONAR Exhibit 4 - STRATA Spreadsheet (ag-rule4-12r).xlsx image001.png

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Good afternoon,

The Minnesota Pollution Control Agency will publish a Notice of Intent to Adopt Rules with a Hearing for the Air Toxics Regulations rulemaking (Revisor ID# 04807) in the May 18,' 2026 edition of the *State Register*.

As required under Minnesota Statutes, sections 14.131 and 14.23, we are sending the library an electronic copy of the Statement of Need and Reasonableness (SONAR). Please find attached our cover letter, electronic copies of the SONAR and accompanying SONAR exhibits.

If you have any questions or concerns, please don't hesitate to contact me.

Thank you!
Erica

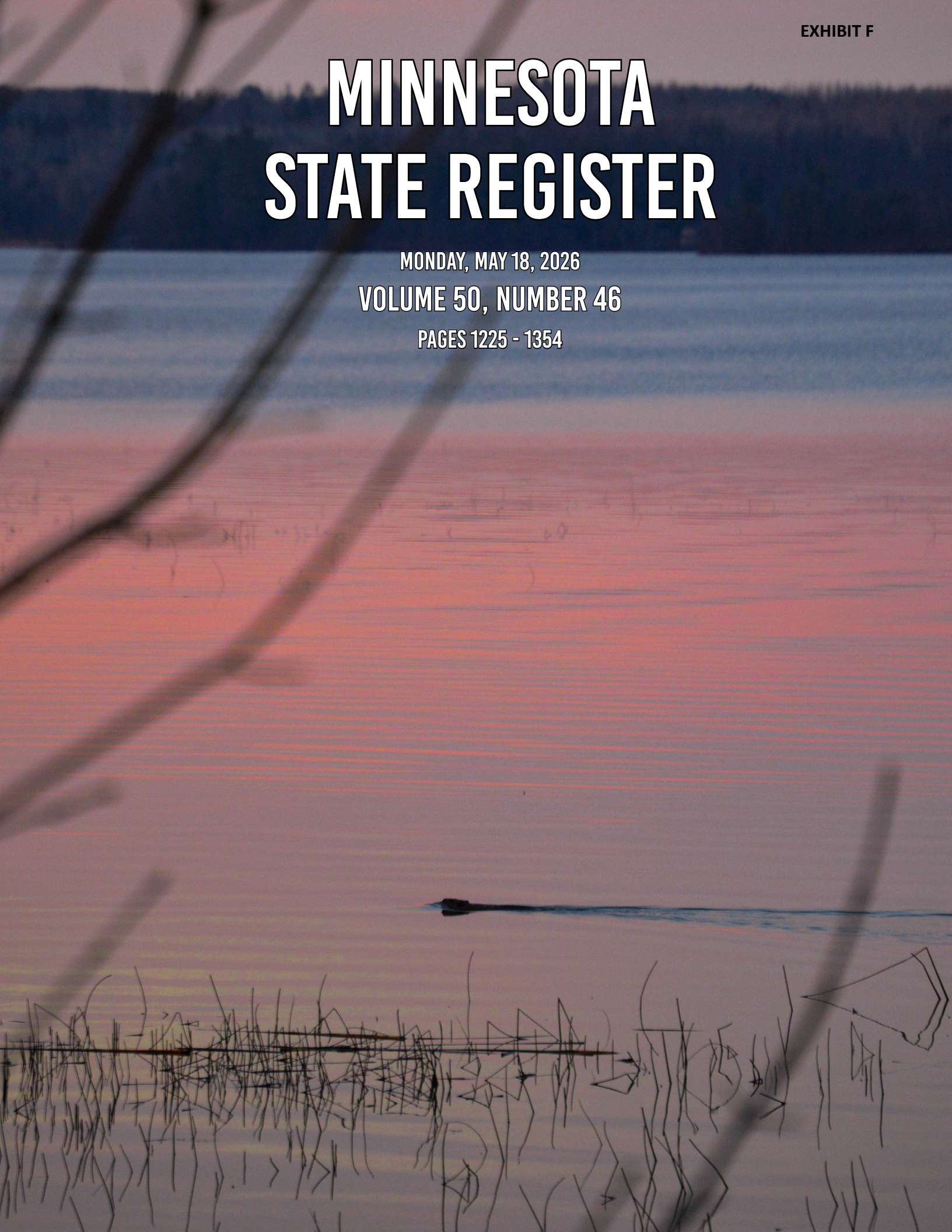
Erica Backstrom
Rule Coordinator | Resource Management & Assistance
Pronouns: she/her/hers

Minnesota Pollution Control Agency
525 Lake Avenue South, Suite 400
Duluth, MN 55802
O: 218-302-6659
Our mission is to protect and improve the environment and human health. | pca.state.mn.us

EXHIBIT F

MINNESOTA STATE REGISTER

MONDAY, MAY 18, 2026
VOLUME 50, NUMBER 46
PAGES 1225 - 1354



Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- **Proposed Rules**
- **Adopted Rules**
- **Exempt Rules**
- **Expedited Rules**
- **Withdrawn Rules**
- **Executive Orders of the Governor**
- **Appointments**
- **Proclamations**
- **Vetoed Rules**
- **Commissioners' Orders**
- **Revenue Notices**
- **Official Notices**
- **State Grants and Loans**
- **Contracts for Professional, Technical and Consulting Services**
- **Non-State Public Bids, Contracts and Grants**

Printing Schedule and Submission Deadlines

Vol. 50 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#47	Tuesday 26 May	Noon Tuesday 19 May	Noon Thursday 14 May
#48	Monday 1 June	Noon Tuesday 26 May	Noon Thursday 21 May
#49	Monday 8 June	Noon Tuesday 2 June	Noon Thursday 28 May
#50	Monday 15 June	Noon Tuesday 9 June	Noon Thursday 4 June

PUBLISHING NOTICES: We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are $14 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or $84. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

SUBSCRIPTION SERVICES: E-mail subscriptions are available by contacting the editor at sean.plemmons@state.mn.us. Send address changes to the editor or at the Minnesota State Register, 50 Sherburne Avenue, Suite 309, Saint Paul, MN 55155.

SEE THE Minnesota State Register free at website: ***https://mn.gov/admin/government/data-info/register.jsp***

- Minnesota State Register: Online subscription – $180, includes links, index, special section "CONTRACTS & GRANTS," with Sidebar Table of Contents, Early View after 4:00 pm Friday (instead of waiting for early Monday), and it's sent to you via E-mail.
- Single issues are available electronically via PDF for free.
- "Affidavit of Publication" includes a notarized "Affidavit" and a copy of the issue: $15.00.

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Minnesota Legislative Information

Senate Public Information Office
(651) 296-0504
State Capitol, Room 231, St. Paul, MN 55155
https://www.senate.mn/

Minnesota State Court System
Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
http://www.mncourts.gov

House Public Information Services
(651) 296-2146
State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
https://www.house.leg.state.mn.us/hinfo/hinfo.asp

Federal Register
Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
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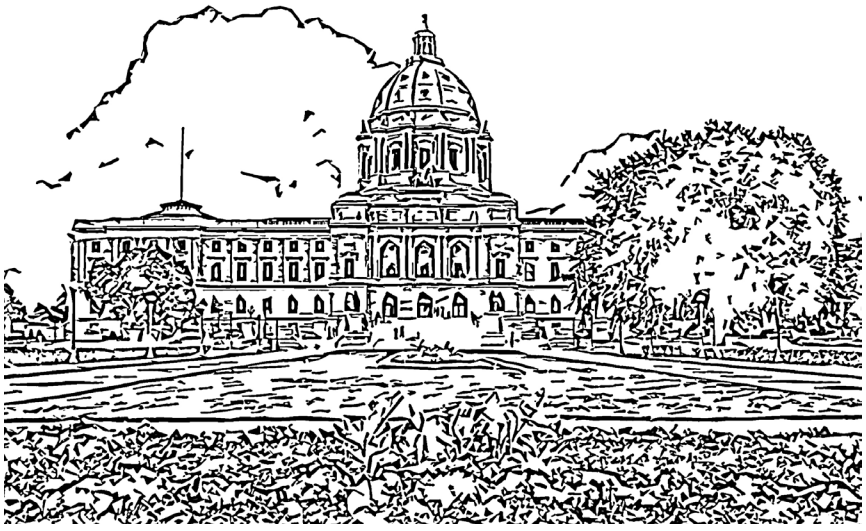
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Front Cover Artwork: *A lone beaver swims as the sun sets on Big Turtle Lake, near Bemidji, Minn.*
Photo by Sean Plemmons



Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Pollution Control Agency (MPCA)

Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental Justice Areas; Notice of Intent to Adopt Rules With a Hearing

Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules* chapter 7007; Revisor's ID Number R04805; Court of Administrative Hearings Docket Number 21-9003-39398

Introduction. This notice is the Minnesota Pollution Control Agency's (MPCA's or the Agency's) legal notice of its intent to adopt legislatively mandated rule amendments after a hearing, following the procedures in the rules of the Court of Administrative Hearings (CAH)—*Minnesota Rules* parts 1400.2200 to 1400.2240—and the Administrative Procedure Act—*Minnesota Statutes* § 14.131 to 14.20. The purpose of this rulemaking project, known as the Cumulative Impacts rule, is to comply with *Minnesota Statutes* **§** 116.065, intended to remedy Minnesotans' disproportionate exposure to pollutants. The statute defines environmental justice (EJ) areas and requires the MPCA to conduct a rulemaking process to address the cumulative impacts of pollution during permitting processes.

This notice provides you the opportunity to submit your comments on this rule to the presiding Administrative Law Judge (ALJ), either orally at the hearing or in writing at any time before the close of the hearing record. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Public Hearing. The Agency will hold a virtual public hearing on the above-named rules on **September 1, 2026, beginning at 3:00 p.m.** and continuing until the ALJ adjourns the hearing, which will be no earlier than 6:00 p.m.

You can participate in the virtual hearing, which will be conducted via WebEx by an ALJ from the Court of Administrating Hearings, as follows:

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

- Web link: ***https://minnesota.webex.com/***
- Meeting Number (access code): 2489 628 3607
- Password: heTwtPM3333 (43898763 when dialing from a phone or video system)

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

- Call: 1-415-655-0003 (this is not a toll-free number)
- Access code: 2489 628 3607
- Password: 43898763

The Agency will schedule additional days of hearing if necessary. All interested or affected parties will have an opportunity to participate by submitting either oral or written comments, statements, or arguments; the ALJ will weigh all comments equally, regardless of how they are submitted. Statements may be submitted without appearing at the hearing.

If the public hearing is postponed or rescheduled, the Agency will post a notice of the change to the Cumulative Impacts rule website at ***https://www.pca.state.mn.us/get-engaged/cumulative-impacts-rulemaking*** and send the notice of change to the GovDelivery list for the Cumulative Impacts rule, as well as the parties listed in its Additional Notice Plan.

Administrative Law Judge. Judge Kimberly Middendorf will conduct the hearing. The ALJ can be reached by contacting William Moore, Rules Coordinator, at the CAH: 600 North Robert St., P.O. Box 64620, St. Paul MN 55164-0620, phone 651-361-7893 and email ***william.t.moore@state.mn.us***.

Subject of Rules. The proposed rules are about cumulative impacts analysis for permit decisions in EJ areas. As required by *Minnesota Statutes* **§** 116.065, the rules would apply as follows:

a. This section applies to an application for a permit by a facility that:

   1. is located in or within one mile of a census tract that is part of an EJ area; and

   2. is located:

      i. in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington; or
      ii. in a city of the first class.

b. The commissioner must enter into consultation, consistent with Minnesota Statutes § 10.65, regarding the application of this section to permit applications located in Indian Country. After consultation, the Tribal government with jurisdiction over the applicable EJ area may elect that the facility seeking the permit action be subject to this section and must so notify the commissioner in writing.

Some people have exposure to more or multiple kinds of pollution. Some people are more vulnerable to the health impacts of pollution. These groups of people may be more severely affected by air pollution, and many may live in identified EJ areas.[1] Information from cumulative impacts analysis can help the MPCA identify what these impacts are, how they affect people, and what the MPCA can do to help mitigate these effects.

---

1 ***https://www.pca.state.mn.us/about-mpca/mpca-and-environmental-justice*** *This tool has been updated to reflect the statutory definition.*

This rulemaking is needed to enact the cumulative impacts analysis requirements as directed by statute, which include rules that will:

1. Establish benchmarks to assist the commissioner's determination regarding the need for a cumulative impacts analysis.
2. Establish the required content of a cumulative impacts analysis and provide sources of public information that an applicant can access regarding environmental stressors present in an EJ area.
3. Define conditions, criteria, or circumstances that establish an environmental or health impact as a substantial adverse impact.
4. Establish the content of a community benefit agreement and procedures for entering into community benefit agreements, which must include:

    I. active outreach to residents of the affected EJ area designed to achieve significant community participation;
    II. considerations other than or in addition to economic considerations, but with priority given to considerations that directly impact the residents of the EJ area; and
    III. at least one public meeting held within the affected EJ area.

5. Establish a petition process and form to be submitted to the agency by EJ area residents to support the need for a cumulative impact analysis.
6. Establish a process through consultation as defined in *Minnesota Statutes* § 10.65 by which a Tribal government can elect to apply this section to a permit application.
7. Establish methods for holding public meetings and handling public comments.

The MPCA encourages all comments on the need for and reasonableness of the rules proposed, the Agency's legal authority to adopt them, and whether the MPCA has met its requirements under the Administrative Procedure Act.

Statutory Authority. *Minnesota Statutes* § 115.03 assigns the MPCA the authority to adopt rules regarding the discharge of pollutants, and *Minnesota Statutes* § 116.065 requires the Commissioner of the MPCA to adopt rules to implement cumulative impacts analysis for permit decisions in EJ areas. The content of the rule is specified in the law.

Publication of Proposed Rules. A copy of the proposed rules is published with this Notice in the *State Register* and may also be viewed electronically at ***https://www.pca.state.mn.us/get-engaged/cumulative-impacts-rulemaking***, as well as ***https://minnesotaoah.granicusideas.com/***.

Statement of Need and Reasonableness. The Statement of Need and Reasonableness (SONAR) contains a justification for the proposed rules, a description of who will be affected by the proposed rules, and an estimate of the probable cost of the proposed rules. As of May 18, 2026, the SONAR may be viewed electronically at ***https://www.pca.state.mn.us/get-engaged/cumulative-impacts-rulemaking*** and ***https://minnesotaoah.granicusideas.com/***. To obtain paper copies of the SONAR or other rulemaking documents for the cost of reproduction, contact the Agency Contact Person listed below.

Agency Contact Person. The contact person for questions about the rulemaking process, requests for paper copies of the rule documents, or accessibility accommodations is Katie Izzo, Rule Coordinator, at the MPCA: 520 Lafayette Rd., St. Paul MN 55155, phone 651-757-2595 and email ***katie.izzo@state.mn.us***. **Please note that comments must be submitted according to the instructions in the Public Comment section of this Notice; you may not submit rulemaking comments by email.**

Public Comment. You and all interested or affected parties, including representatives of associations and other interested groups, will have an opportunity to participate. The ALJ will accept your views orally at the hearing or in writing at any time before the close of the hearing record, and consider all comments equally regardless of how they are

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

Submit written comments or information by:

1. electronic submittal via the CAH's eComments website at ***https://minnesotaoah.granicusideas.com/***;
2. U.S. Mail or in-person delivery to the attention of Judge Kimberly Middendorf regarding CAH docket number 21-9003-39398, 600 N. Robert St., P.O. Box 64620, St. Paul MN 55164-0620; or
3. fax to the attention of Judge Kimberly Middendorf regarding CAH docket number 21-9003-39398, at 651-539-0310.

You can review frequently asked questions about the CAH eComments website at ***https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf***.

You may submit written comments in response to this Notice until **4:30 p.m. on July 17, 2026**; this deadline will allow MPCA staff to prepare a response to comments in time for the public hearing, at which time the eComments will reopen.

You may also submit written material to the ALJ to be recorded in the record during the hearing and for 20 days after the hearing ends (until **4:30 p.m. on September 21, 2026**), by any of the methods listed above. After the post-hearing comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any of the information submitted. No one may submit new evidence during the five-day rebuttal period.

The CAH must receive all comments and responses submitted to the ALJ no later than 4:30 p.m. on the due dates. Again, please note that you may not submit rulemaking comments by email.

All comments or responses received are public data and will be available for review at ***https://minnesotaoah.granicusideas.com/*** and the Agency's website at ***https://www.pca.state.mn.us/get-engaged/cumulative-impacts-rulemaking***.

Hearing Procedure. The rule hearing procedure is governed by *Minnesota Statutes* § 14.131 to 14.20, and by the rules of the CAH, *Minnesota Rules* parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the ALJ through William Moore, the CAH Rules Coordinator listed in the Administrative Law Judge section of this Notice.

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

Adoption Procedure After the Hearing. After the close of the hearing record, the ALJ will issue a report on the proposed rules. If you would like to be notified of the date the ALJ's report will become available, you can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and the rules are filed with the Secretary of State, or register to receive notice of future rule proceedings, by requesting this at the hearing or by writing to the Agency Contact Person listed above.

Lobbyist Registration. *Minnesota Statutes* chapter 10A requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Direct questions about this requirement to the Campaign Finance and Public Disclosure Board at Centennial Building Suite #190, 658 Cedar St., St. Paul MN 55155, phone 651-539-1180 or 1-800-

657-3889.

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

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

Date: April 29, 2026

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

7007.0050 SCOPE.

A. Parts 7007.0100 to 7007.1850 apply to the issuance of permits to construct, modify, reconstruct, or operate emissions units, emission facilities, or stationary sources that emit any air pollutant, and to the revocation, reissuance, or amendment of those permits.

B. Parts 7007.0100 to 7007.1850 apply to permits issued to owners and operators of stationary sources requiring permits under federal law at Code of Federal Regulations, title 40, part 70, as amended (Operating Permit Program), or under part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements in Nonattainment Areas) of the act, or under section 112(g)(2)(B) of the act (hazardous air pollutants), and to stationary sources requiring permits solely under state law.

C. Owners and operators of sources proposing construction or modifications subject to parts C and D of the act are subject to the permitting requirements of part 7007.3000, incorporating by reference the provisions of Code of Federal Regulations, title 40, section 52.21, or parts 7007.4000 to 7007.4040 in addition to parts 7007.0100 to 7007.1850.

D. Owners and operators proposing construction or reconstruction of sources subject to section 112(g)(2)(B) of the act are subject to the requirements of part 7007.3010, incorporating by reference the provisions of Code of Federal Regulations, title 40, sections 63.40 to 63.44, in addition to parts 7007.0100 to 7007.1850.

E. An owner or operator of a stationary source is subject to parts 7007.6000 to 7007.6120 in addition to parts 7007.0100 to 7007.1850 if the stationary source meets the applicability criteria under part 7007.6020.

7007.0100 DEFINITIONS.

[For text of subparts 1 to 6b, see Minnesota Rules]

Subp. 7. **Applicable requirement.** "Applicable requirement" means all the following as they apply to emissions units in a stationary source (including requirements that have been promulgated or approved by the EPA or the commissioner through rulemaking at the time of issuance but have future effective compliance dates):

[For text of items A to V, see Minnesota Rules]

W. any standard or other requirement established under section 110(a)(2)(D)(i)(I) of the Clean Air Act that regulates interstate transport of pollutants; ~~and~~

X. any standard or other requirement of Minnesota Statutes, section 116.385, the White Bear Area Neighborhood Concerned Citizens Group Ban TCE Act, banning the use of trichloroethylene (TCE) on or after June 1, 2022, and prohibiting the commissioner from issuing a permit after January 1, 2022, that authorizes the use of TCE.; and

Y. any standard or other requirement of Minnesota Statutes, section 116.065, including any requirement under parts 7007.6000 to 7007.6120 for cumulative impacts analysis.

[For text of subparts 7a to 29, see Minnesota Rules]

7007.0150 PERMIT REQUIRED.

[For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **Cumulative impacts analysis; permit decisions in environmental justice areas.** If applicable, the requirements of parts 7007.6000 to 7007.6120 and Minnesota Statutes, section 116.065, must be met, in addition to the requirements of parts 7007.0100 to 7007.1850, before a permit is issued.

7007.0500 CONTENT OF PERMIT APPLICATION.

[For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **Cumulative impacts analysis; permit decisions in environmental justice areas.**

A. The applicant must state in the application whether the activity for which the permit is sought is subject to cumulative impacts analysis requirements under Minnesota Statutes, section 116.065, or parts 7007.6000 to 7007.6120.

B. If the applicant is subject to Minnesota Statutes, section 116.065, or parts 7007.6000 to 7007.6120, the permit application must include the initial assessment required under part 7007.6050.

C. If the applicant is subject to Minnesota Statutes, section 116.065, or parts 7007.6000 to 7007.6120, then before the draft permit is released, the applicant must supplement the application with:

(1) the cumulative impacts analysis, if required under part 7007.6090; and

(2) the community benefit agreement, if required under part 7007.6110.

7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Application processing and issuance deadlines.**

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

G. Deadlines for agency action under this part may be extended as described in this item for permitting actions subject to cumulative impacts analysis under Minnesota Statutes, section 116.065, or parts 7007.6000 to 7007.6120. If the prohibition on final agency action under part 7007.6120 is in effect at any time 90 days or less before the deadline, the agency must extend the deadline until 90 days after the prohibition ends.

[For text of subparts 3 to 8, see Minnesota Rules]

7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Public notice and comment.**

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

E. Before issuing, reissuing, or making a moderate or major amendment to a permit, the commissioner must comply with the procedures in item A, subitems (1) to (3), if a cumulative impacts analysis under part 7007.6090 is required for a permit application.

~~E.~~ F. The commissioner must upon request provide a list that summarizes current activities involving permit applications, minor, moderate, and major amendment applications, and requests for administrative amendments. The commissioner may use the agency website in lieu of a written list.

Subp. 3. **Petitions for meetings and hearings.**

A. During the public comment period, a person may, in regard to any draft permit or amendment subject to public notice under subpart 2, items A to ~~D~~ E, petition for:

[For text of subitems (1) and (2), see Minnesota Rules]

[For text of item B, see Minnesota Rules]

[For text of subpart 4, see Minnesota Rules]

7007.1000 ISSUING AND DENYING PERMITS.

Subpart 1. **Preconditions for issuing.** The following conditions must be satisfied for the agency to issue a permit or permit amendment:

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

G. the agency anticipates that the applicant will, with respect to the stationary source and activity to be permitted, comply with all conditions of the permit; ~~and~~

H. all applicable provisions of Minnesota Statutes, chapter 116D, and the rules adopted under Minnesota Statutes, chapter 116D, have been fulfilled~~.~~; and

I. all applicable provisions of Minnesota Statutes, section 116.065, and the rules adopted thereunder have been fulfilled.

Subp. 2. **Grounds for denying.** The following constitute grounds for the agency to refuse to issue a new or modified permit, or to refuse permit reissuance:

[For text of items A to G, see Minnesota Rules]

H. The applicant has failed to enter into a community benefit agreement with the commissioner when a community benefit agreement is required by Minnesota Statutes, section 116.065, subdivision 5, paragraph (b), and part 7007.6110.

[For text of subpart 3, see Minnesota Rules]

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

[For text of subparts 1 to 4, see Minnesota Rules]

Subp. 5. **Threshold table; hazardous air pollutants.** The thresholds for hazardous air pollutants listed in the following table are for determining ~~if~~ whether:

A. an emissions unit qualifies as an insignificant activity under subpart 4, item C, subitem (1)~~.~~; and

B. an owner or operator must conduct a cumulative impacts analysis under part 7007.6090 according to part 7007.6050, subpart 4, item B, subitem (2).

CAS#	Chemical Name	De Minimis Level (tons/year)
57147	1,1-Dimethyl hydrazine	0.008
79005	1,1,2- Trichloroethane	1
79345	1,1,2,2-Tetrachloroethane	0.3
96128	1,2-Dibromo-3-chloropropane	0.01
122667	1,2-Diphenylhydrazine	0.09
106887	1,2-Epoxybutane	1
75558	1,2-Propylenimine (2-Methyl aziridine)	0.003
120821	1,2,4-Trichlorobenzene	10
106990	1,3-Butadiene	0.07

CAS#	Chemical Name	De Minimis Level (tons/year)
542756	1,3-Dichloropropene	1
1120714	1,3-Propane sultone	0.03
106467	1,4-Dichlorobenzene(p)	3
123911	1,4-Dioxane (1,4-Diethyleneoxide)	6
53963	2-Acetylaminofluorine	0.005
532274	2-Chloroacetophenone	0.06
79469	2-Nitropropane	1
540841	2,2,4-Trimethylpentane	5
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	6E-07
584849	2,4-Toluene diisocyanate	0.1
51285	2,4-Dinitrophenol	1
121142	2,4-Dinitrotoluene	0.02
94757	2,4-D, salts, esters (2,4-Dichlorophenoxy acetic acid)	10
95807	2,4-Toluene diamine	0.02
95954	2,4,5-Trichlorophenol	1
88062	2,4,6-Trichlorophenol	6
91941	3,3-Dichlorobenzidene	0.2
119904	3,3’-Dimethoxybenzidine	0.1
119937	3,3’-Dimethyl benzidine	0.008
92671	4-Aminobiphenyl	1
92933	4-Nitrobiphenyl	1
100027	4-Nitrophenol	5
101144	4,4-Methylene bis(2-chloroaniline)	0.2
101779	4,4’-Methylenedianiline	1
534521	4,6-Dinitro-o-cresol, and salts	0.1
75070	Acetaldehyde	9
60355	Acetamide	1
75058	Acetonitrile	4
98862	Acetophenone	1
107028	Acrolein	0.04
79061	Acrylamide	0.02
79107	Acrylic acid	0.6
107131	Acrylonitrile	0.3
107051	Allyl chloride	1
62533	Aniline	1
71432	Benzene	2
92875	Benzidine	0.0003
98077	Benzotrichloride	0.006
100447	Benzyl chloride	0.1
57578	beta-Propiolactone	0.1
92524	Biphenyl	10
117817	Bis(2-ethylhexyl)phthalate(DEHP)	5

CAS#	Chemical Name	De Minimis Level (tons/year)
542881	Bis(chloromethyl)ether	0.0003
75252	Bromoform	10
156627	Calcium cyanamide	10
133062	Captan	10
63252	Carbaryl	10
75150	Carbon disulfide	1
56235	Carbon tetrachloride	1
463581	Carbonyl sulfide	5
120809	Catechol	5
133904	Chloramben	1
57749	Chlordane	0.01
7782505	Chlorine	0.1
79118	Chloroacetic acid	0.1
108907	Chlorobenzene	10
510156	Chlorobenzilate	0.4
67663	Chloroform	0.9
107302	Chloromethyl methyl ether	0.1
126998	Chloroprene	1
1319773	Cresols/Cresylic acid (isomers and mixture)	1
95487	o-Cresol	1
108394	m-Cresol	1
106445	p-Cresol	1
98828	Cumene	10
334883	Diazomethane	1
132649	Dibenzofuran	5
72559	DDE (p,p'-Dichlorodiphenyldichloroethylene)	0.01
84742	Dibutylphthalate	10
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.06
62737	Dichlorvos	0.2
11422	Diethanolamine	5
64675	Diethyl sulfate	1
60117	Dimethyl aminoazobenzene	1
79447	Dimethyl carbamoyl chloride	0.02
68122	Dimethyl formamide	1
131113	Dimethyl phthalate	10
77781	Dimethyl sulfate	0.1
106898	Epichlorohydrin	2
140885	Ethyl acrylate	1
100414	Ethyl benzene	10
51796	Ethyl carbamate (Urethane)	0.8
75003	Ethyl chloride	10
106934	Ethylene dibromide (Dibromoethane)	0.1

CAS#	Chemical Name	De Minimis Level (tons/year)
107062	Ethylene dichloride (1,2-Dichloroethane)	0.8
107211	Ethylene glycol	10
151564	Ethylene imine (Aziridine)	0.003
75218	Ethylene oxide	0.1
96457	Ethylene thiourea	0.6
75343	Ethylidene dichloride (1,1-Dichloroethane)	1
50000	Formaldehyde	2
76448	Heptachlor	0.02
118741	Hexachlorobenzene	0.01
87683	Hexachlorobutadiene	0.9
77474	Hexachlorocyclopentadiene	0.1
67721	Hexachloroethane	5
822060	Hexamethylene,-1,6-diisocyanate	0.02
680319	Hexamethylphosphoramide	0.01
110543	Hexane	10
302012	Hydrazine	0.004
7647010	Hydrochloric acid	10
7664393	Hydrogen fluoride	0.1
123319	Hydroquinone	1
78591	Isophorone	10
58899	Lindane (hexachlorcyclohexane, gamma)	0.01
108316	Maleic anhydride	1
67561	Methanol	10
72435	Methoxychlor	10
74839	Methyl bromide (Bromomethane)	10
74873	Methyl chloride (Chloromethane)	10
71556	Methyl chloroform (1,1,1-Trichloroethane)	10
60344	Methyl hydrazine	0.06
74884	Methyl iodide (Iodomethane)	1
108101	Methyl isobutyl ketone	10
624839	Methyl isocyanate	0.1
80626	Methyl methacrylate	10
1634044	Methyl tert-butyl ether	10
12108133	Methylcyclopentadienyl manganese	0.1
75092	Methylene chloride (Dichloromethane)	10
101688	Methylene diphenyl diisocyanate	0.1
91203	Naphthalene	10
98953	Nitrobenzene	1
62759	N-Nitrosodimethylamine	0.001
69892	N-Nitrosomorpholine	1
684935	N-Nitroso-N-methylurea	0.0002
121697	N,N-Dimethylaniline	1

CAS#	Chemical Name	De Minimis Level (tons/year)
90040	o-Anisidine	1
95534	o-Toluidine	4
56382	Parathion	0.1
82688	Pentachloronitrobenzene (Quintobenzene)	0.3
87865	Pentachlorophenol	0.7
108952	Phenol	0.1
75445	Phosgene	0.1
7803512	Phosphine	5
7723140	Phosphorous	0.1
85449	Phthalic anhydride	5
1336363	Polychlorinated biphenyls (Aroclors)	0.009
106503	p-Phenylenediamine	10
123386	Propionaldehyde	5
114261	Propoxur (Baygone)	10
78875	Propylene dichloride (1,2-Dichloropropane)	1
75569	Propylene oxide	5
91225	Quinoline	0.006
106514	Quinone	5
100425	Styrene	1
96093	Styrene oxide	1
127184	Tetrachloroethylene (Perchloroethylene)	10
7550450	Titanium tetrachloride	0.1
108883	Toluene	10
8001352	Toxaphene (chlorinated camphene)	0.01
79016	Trichloroethylene	10
121448	Triethylamine	10
1582098	Trifluralin	9
108054	Vinyl acetate	1
593602	Vinyl bromide (bromoethene)	0.6
75014	Vinyl chloride	0.2
75354	Vinylidene chloride (1,1-Dichloroethylene)	0.4
1330207	Xylenes (isomers and mixture)	10
108383	m-Xylenes	10
95476	o-Xylenes	10
106423	p-Xylenes	10
-	Arsenic and inorganic arsenic compounds	0.005
7784421	Arsine	0.1
-	Antimony compounds (except those specifically listed)*	5
1309644	Antimony trioxide	1
1345046	Antimony trisulfide	0.1
7783702	Antimony pentafluoride	0.1
28300745	Antimony potassium tartrate	1

CAS#	Chemical Name	De Minimis Level (tons/year)
-	Beryllium compounds (except Beryllium salts)	0.008
-	Beryllium salts	0.00002
-	Cadmium compounds	0.01
130618	Cadmium oxide	0.01
-	Chromium compounds (except Hexavalent and Trivalent)	5
-	Hexavalent Chromium compounds	0.002
-	Trivalent Chromium compounds	5
10025737	Chromic chloride	0.1
744084	Cobalt metal (and compounds, except those specifically listed)*	0.1
10210681	Cobalt carbonyl	0.1
62207765	Fluomine	0.1
-	Coke oven emissions	0.03
-	Cyanide compounds (except those specifically listed)*	5
143339	Sodium cyanide	0.1
151508	Potassium cyanide	0.1
-	Glycol ethers (except those specifically listed)*	5
110805	2-Ethoxy ethanol	10
111762	Ethylene glycol monobutyl ether	10
108864	2-Methoxy ethanol	10
-	Lead and compounds (except those specifically listed)*	0.01
75741	Tetramethyl lead	0.01
78002	Tetraethyl lead	0.01
7439965	Manganese and compounds (except those specifically listed)*	0.8
12108133	Methylcyclopentadienyl manganese	0.1
-	Mercury compounds (except those specifically listed)*	0.01
10045940	Mercuric nitrate	0.01
748794	Mercuric chloride	0.01
62384	Phenyl mercuric acetate	0.01
-	Elemental Mercury	0.01
-	Mineral fiber compounds (except those specifically listed)*	a
1332214	Asbestos	a
-	Erionite	a
-	Silica (crystalline)	a
-	Talc (containing asbestos from fibers)	a
-	Glass wool	a
-	Rock wool	a
-	Slag wool	a
-	Ceramic fibers	a
-	Nickel compounds (except those specifically listed)*	1
13463393	Nickel Carbonyl	0.1
12035722	Nickel refinery dust	0.08
-	Nickel subsulfide	0.04

CAS#	Chemical Name	De Minimis Level (tons/year)
-	Polycyclic organic matter-POM (except those specifically listed)*	0.01
56553	Benz(a)anthracene	0.01
50328	Benzo(a)pyrene	0.01
205992	Benzo(b)fluoranthene	0.01
57976	7,12-Dimethylbenz(a)anthracene	0.01
225514	Benz(c)acridine	0.01
218019	Chrysene	0.01
53703	Dibenz(ah)anthracene	0.01
189559	1,2:7,8-Dibenzopyrene	0.01
193395	Indeno(1,2,3-cd)pyrene	0.01
-	Dioxins & Furans (TCDD equivalent)**	-
7782492	Selenium and compounds (except those specifically listed)*	0.1
7488564	Selenium sulfide (mono and di)	0.1
7783075	Hydrogen selenide	0.1
10102188	Sodium selenite	0.1
13410010	Sodium selenate	0.1
99999918	Radionuclides (including radon)	b

* - For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals of the chemical group, a single de minimis value is listed, which applies to compounds that are not named specifically.

** - The “toxic equivalent factor” method in EPA/100/R-10/005 Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2,3,7,8- Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds. A different de minimis level will be determined for each mixture depending on the equivalency factors used, which are compound specific. EPA/100/R-10/005 Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2,3,7,8- Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds, United States Environmental Protection Agency (December 2010), is incorporated by reference, is available at https://nepis.epa.gov, and is not subject to frequent change.

a - De minimis values are zero. Currently available data do not support assignment of a “trivial” emission rate; therefore, the value assigned will be policy based.

b - The EPA relies on Code of Federal Regulations, title 40, part 61, subparts B and I, and appendix E, and assigns a de minimis level based on an effective dose equivalent of 0.3 millirem per year for a seven-year exposure period that would result in a cancer risk of one per million. The individual radionuclides subject to de minimis levels are contained in Code of Federal Regulations, title 40, part 61.

7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. **When permittee may make proposed modification or change.**

A. The permittee may make the modification or change proposed in a minor permit amendment application seven working days after the application is received by the agency.

B. Except as prohibited in item C, the permittee may begin actual construction on a modification proposed in a moderate permit amendment application upon receiving a letter of approval from the agency authorizing the construction. However, the permittee may not conduct start-up of the modification until the amended permit has been

issued.

C. If a permit application for a stationary source is subject to review under parts 7007.6000 to 7007.6120, the permittee must not begin actual construction upon receipt of a letter of approval under item B until:

(1) a negative determination of the need for a cumulative impacts analysis is issued; or

(2) the amended permit has been issued.

[For text of subparts 8 to 9, see Minnesota Rules]

CUMULATIVE IMPACTS ANALYSIS

7007.6000 SCOPE.

Subpart 1. **Scope.** Parts 7007.6000 to 7007.6120 apply to an owner or operator of a stationary source that meets the applicability criteria under part 7007.6020.

Subp. 2. **Exclusions.** Nothing in parts 7007.6000 to 7007.6120 limits the commissioner's or agency's authority under Minnesota Statutes, section 116.065, or other law.

7007.6010 DEFINITIONS.

Subpart 1. **Applicability.** In parts 7007.6000 to 7007.6120, the terms used have the meanings given in this part. The definitions in parts 7000.0100, 7005.0100, and 7007.0100 apply to parts 7007.6000 to 7007.6120 unless a term is otherwise defined in this part.

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

Subp. 3. **Acute health endpoint.** "Acute health endpoint" means the target organ or system, such as neurological, respiratory, or reproductive, for acute inhalation risk. Acute health endpoint includes acute noncancer health endpoint.

Subp. 4. **Acute inhalation risk.** "Acute inhalation risk" means the risk from one or more exposures to an air toxic within a short period that is evaluated using:

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

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

Subp. 5. **Adverse cumulative stressors.** "Adverse cumulative stressors" means that the combined stressor total of the environmental justice area is higher than the environmental justice area's geographic point of comparison.

Subp. 6. **Adverse environmental stressor.** "Adverse environmental stressor" means an environmental stressor in the environmental justice area that is higher than the reference value or, if a reference value is not specified, the environmental justice area's geographic point of comparison.

Subp. 7. **Cancer risk.** "Cancer risk" means the risk of developing cancer from exposure to air emissions from a given stationary source. The risk is the probability that a hypothetical human receptor will develop cancer based on an assumed set of exposure, model, and toxicity assumptions.

Subp. 8. **Chronic health endpoint.** "Chronic health endpoint" means the target organ or system, such as neurological, respiratory, or reproductive, for chronic inhalation risk. Chronic health endpoint includes chronic noncancer health endpoint.

Subp. 9. **Chronic inhalation risk.** "Chronic inhalation risk" means the risk from consistent exposure or multiple exposures occurring over an extended period of an individual's lifetime, greater than one year to a lifetime, that is evaluated using the highest modeled annual ambient air concentration over a five-year period.

Subp. 10. **Combined stressor total.** "Combined stressor total" means the sum of adverse environmental stressors in an environmental justice area.

Subp. 11. **Community benefit.** "Community benefit" means a program, service, action, project, or resource that provides a tangible health, environmental, social, economic, or other benefit for an environmental justice area and its residents.

Subp. 12. **Community benefit agreement.** "Community benefit agreement" means an enforceable agreement entered into by the commissioner and the owner or operator of a stationary source establishing benefits under part 7007.6110 that the owner or operator agrees to provide to residents of the impacted environmental justice areas.

Subp. 13. **Cumulative impacts.** "Cumulative impacts" has the meaning given in Minnesota Statutes, section 116.065, subdivision 1, paragraph (c).

Subp. 14. **Draft community benefit agreement.** "Draft community benefit agreement" means the version of a community benefit agreement that the owner or operator offers for review by any interested party before the public meeting required under part 7007.6080, subpart 4, item B, subitem (2).

Subp. 15. **Economic benefit.** "Economic benefit" means a benefit that provides gains that can be measured in financial terms, such as local and targeted hiring, living wage requirements, affordable housing, and direct financial assistance.

Subp. 16. **Environmental justice.** "Environmental justice" has the meaning given in Minnesota Statutes, section 116.065, subdivision 1, paragraph (d).

Subp. 17. **Environmental justice area.** "Environmental justice area" has the meaning given in Minnesota Statutes, section 116.065, subdivision 1, paragraph (e).

Subp. 18. **Environmental stressors.** "Environmental stressors" has the meaning given in Minnesota Statutes, section 116.065, subdivision 1, paragraph (f).

Subp. 19. **Facility expansion.** "Facility expansion" means a modification, as defined under part 7007.0100, subpart 14, at an existing permitted stationary source that:

A. will cause an increase in emissions of an air pollutant; or

B. makes the stationary source subject to the requirement to obtain a permit.

Facility expansion does not include a modification at a permitted stationary source that is allowed under part 7007.1250, a change to permit conditions that is allowed under part 7007.1350, any administrative permit amendment under part 7007.1400, or any minor permit amendment under part 7007.1450.

Subp. 20. **Farmer cancer multipathway risk.** "Farmer cancer multipathway risk" means the cancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown produce, drinks home-produced milk, and eats homegrown meat products, including eggs, that could be affected by a stationary source's emissions.

Subp. 21. **Farmer noncancer multipathway risk.** "Farmer noncancer multipathway risk" means the noncancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown produce, drinks home-produced milk, and eats homegrown meat products, including

eggs, that could be affected by a stationary source's emissions.

Subp. 22. **Geographic point of comparison.** "Geographic point of comparison" means the comparison area and its corresponding value used to determine whether an environmental justice area has adverse environmental stressors and adverse cumulative stressors. The area and value is determined by selecting the lower value of the state's or county's 50th percentile for the applicable environmental stressor or combined stressor total. For purposes of this subpart, "county" means the county in which the environmental justice area is located.

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

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

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

Subp. 26. **Impacted environmental justice area.** "Impacted environmental justice area" means one or more environmental justice areas, in whole or in part, that are within one mile of the property boundary of a stationary source, including any environmental justice area that a stationary source is located in.

Subp. 27. **Indian Country.** "Indian Country" has the meaning given in Minnesota Statutes, section 116.065, subdivision 1, paragraph (g).

Subp. 28. **Inhalation health benchmark.** "Inhalation health benchmark" means a concentration in ambient air at or below which an air toxic is unlikely to cause an adverse health effect in a population over a prescribed duration.

Subp. 29. **Minnesota Tribal governments.** "Minnesota Tribal governments" has the meaning given in Minnesota Statutes, section 10.65.

Subp. 30. **New construction.** "New construction" means:

A. construction of a new stationary source that is subject to the requirement to obtain a permit; or

B. a change at an existing unpermitted stationary source that makes the stationary source subject to the requirement to obtain a permit.

Subp. 31. **Permit.** "Permit" means:

A. any part 70 permit issued under part 7007.0200, subpart 2, or any state permit issued under part 7007.0250, subpart 5 or 6, that authorizes new construction or facility expansion; or

B. reissuance of an expiring permit described in item A.

Subp. 32. **Proposed community benefit agreement.** "Proposed community benefit agreement" means the version of a community benefit agreement that the owner or operator proposes to enter into with the commissioner and submits to the commissioner for review under part 7007.6110.

Subp. 33. **Public space.** "Public space" means an indoor or outdoor area that is open and accessible to the general public, such as a public school; an educational facility other than a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13; a park or public recreational space; a hospital; a nursing home; an auditorium; an arena; a library; a post office; or a community center.

Subp. 34. **Reference value.** "Reference value" means a standard or benchmark that is used to compare and assess the

value for an environmental stressor and that serves as a comparison point against which the numerical value for an environmental stressor present in an environmental justice area is compared, measured, or evaluated. A reference value is used to determine whether an environmental justice area has adverse environmental stressors.

Subp. 35. **Requested permit action.** "Requested permit action" means an application submitted by an owner or operator of a stationary source that requests a permit.

Subp. 36. **Resident cancer multipathway risk.** "Resident cancer multipathway risk" means the cancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person who inhales air, incidentally ingests soil, and ingests homegrown produce that could be affected by a stationary source's emissions.

Subp. 37. **Resident noncancer multipathway risk.** "Resident noncancer multipathway risk" means the noncancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person who inhales air, incidentally ingests soil, and ingests homegrown produce that could be affected by a stationary source's emissions.

Subp. 38. **Sensitive receptors.** "Sensitive receptors" means individuals or groups of individuals who, due to their age or health status, are susceptible to air pollutants. Sensitive receptors include infants, children, pregnant individuals and their fetuses, the elderly, asthmatics, athletes, people compromised by preexisting diseases, and immunocompromised people.

Subp. 39. **Socioeconomic impact.** "Socioeconomic impact" means the effects of actions or policies on the social and economic well-being of persons in a geographical location.

Subp. 40. **Subchronic health endpoint.** "Subchronic health endpoint" means the target organ or system, such as neurological, respiratory, or reproductive, for subchronic inhalation risk. Subchronic health endpoint includes subchronic noncancer health endpoint.

Subp. 41. **Subchronic inhalation risk.** "Subchronic inhalation risk" means the risk from multiple exposures occurring over a period of an individual's lifetime, such as greater than 24 hours to one year, that is evaluated using the modeled highest monthly ambient air concentration over a five-year period.

Subp. 42. **Urban gardener cancer multipathway risk.** "Urban gardener cancer multipathway risk" means the cancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person who inhales air, incidentally ingests soil, ingests homegrown produce, and eats home-raised chicken eggs that could be affected by a stationary source's emissions.

Subp. 43. **Urban gardener noncancer multipathway risk.** "Urban gardener noncancer multipathway risk" means the noncancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person who inhales air, indirectly ingests soil, ingests homegrown produce, and eats home-raised chicken eggs that could be affected by a stationary source's emissions.

7007.6020 APPLICABILITY AND PROCEDURES.

Subpart 1. **Applicability.** Except as provided in subpart 2, parts 7007.6000 to 7007.6120 apply to a requested permit action for a stationary source that, in whole or in part, is or will be:

A. located in, or within one mile of, a census tract that is part of an environmental justice area; and

B. located in:

(1) Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County; or

(2) a city of the first class as defined in Minnesota Statutes, section 410.01.

Subp. 2. **Exemptions.**

A. Parts 7007.6000 to 7007.6120 do not apply to a permit application for:

(1) a general permit under part 7007.1100;

(2) a registration permit under parts 7007.1110 to 7007.1130; or

(3) a capped permit under parts 7007.1140 to 7007.1148.

B. Parts 7007.6000 to 7007.6120 do not apply to an application for a permit or amendment to a permit deemed complete under part 7007.0600 before the effective date of this part.

C. Parts 7007.6000 to 7007.6120 do not apply to an application for a permit reissuance for a permit with an expiration date within 24 months after the effective date of this part.

Subp. 3. **Cities of the first class.** For purposes of determining applicability of parts 7007.6000 to 7007.6120 under subpart 1, item B, subitem (2), a change in classification of a city takes effect according to Minnesota Statutes, section 410.01.

Subp. 4. **Environmental justice areas.**

A. To determine applicability under subpart 1, an owner or operator of a stationary source must use the list of environmental justice areas identified under Minnesota Statutes, section 116.065, subdivision 5, paragraph (e), that is available on the date an application is submitted.

B. By October 31, 2027, and at least every five years thereafter, the commissioner must publish any updates to the list of environmental justice areas in the state.

Subp. 5. **Environmental stressors database.** The commissioner must include the following information in the database of environmental stressors required under Minnesota Statutes, section 116.065, subdivision 5, paragraph (f):

A. the area and values for determining the geographic point of comparison for environmental stressors;

B. adverse environmental stressors, identified by comparing the value of each stressor in the census tract with the appropriate reference value or geographic point of comparison;

C. the combined stressor total in each census tract;

D. the area and values for determining the geographic point of comparison for the combined stressor total; and

E. census tracts that have adverse cumulative stressors, identified by comparing the value of the combined stressor total in each census tract with the appropriate geographic point of comparison.

Subp. 6. **Procedural overview.**

A. Using the database under subpart 5, the owner or operator must obtain the following information for an impacted environmental justice area:

(1) the environmental stressors;

(2) the geographic point of comparison;

(3) any adverse environmental stressors; and

(4) whether the impacted environmental justice area has adverse cumulative stressors.

B. After obtaining the information required in item A, the owner or operator must prepare the initial assessment required under part 7007.6050 and provide the assessment to the commissioner as part of the permit application according to part 7007.0500, subpart 6, item B, subitem (3).

C. If the commissioner determines that a cumulative impacts analysis is required for the requested permit action according to part 7007.6070, the owner or operator must:

(1) comply with the public participation requirements under part 7007.6080; and

(2) prepare and conduct a cumulative impacts analysis as required under part 7007.6090 and provide the analysis to the commissioner as a supplement to the permit application according to part 7007.0500, subpart 6, item C, subitem (1).

D. If the commissioner determines that issuing the requested permit action would have a substantial adverse impact according to part 7007.6100, the owner or operator must:

(1) comply with the public participation requirements under part 7007.6080; and

(2) prepare and submit a community benefit agreement according to part 7007.6110 and provide the agreement to the commissioner as a supplement to the permit application according to part 7007.0500, subpart 6, item C, subitem (2).

E. After the applicable requirements of parts 7007.6000 to 7007.6120 are completed, the commissioner must determine whether to issue or deny the requested permit action according to part 7007.6120.

7007.6030 TRIBAL CONSIDERATIONS.

Subpart 1. **Applicability.**

A. The process by which Minnesota Tribal governments can elect to apply Minnesota Statutes, section 116.065, and parts 7007.6000 to 7007.6120 to a requested permit action for a stationary source located in Indian Country is specified in subpart 2.

B. Subparts 3 to 5 identifies the methods by which the commissioner must coordinate with Minnesota Tribal governments for a stationary source located outside Indian Country.

Subp. 2. **Tribal consultation; sources in Indian Country.**

A. This subpart applies only to a stationary source located in Indian Country.

B. If requested by a Minnesota Tribal government, the commissioner must enter into consultation, consistent with Minnesota Statutes, section 10.65, regarding the application of parts 7007.6000 to 7007.6120 to a requested permit action for a stationary source located in Indian Country, as provided under Minnesota Statutes, section 116.065, subdivision 2, paragraph (b).

C. After consultation, the Minnesota Tribal government with jurisdiction over the applicable environmental justice area:

(1) may elect that the owner or operator of a stationary source requesting a permit action be subject to parts 7007.6000 to 7007.6120; and

(2) must notify the commissioner of the election in writing.

Subp. 3. **Tribal coordination; sources not in Indian Country.**

A. The commissioner must notify the applicable Minnesota Tribal government in writing after receiving a requested permit action for a stationary source located in a county of interest identified by the Minnesota Tribal government.

B. The commissioner must submit the notice to the Minnesota Tribal government's designated contact. The notice must include:

(1) the name and contact information of the stationary source contact for the requested permit action;

(2) the name and contact information of the agency contact;

(3) an offer to meet and share information, including:

(a) the requested permit action;

(b) draft project schedule documents;

(c) the initial assessment required under part 7007.6050;

(d) the cumulative impacts analysis, if required under part 7007.6090; and

(e) the community benefit agreement, if required under part 7007.6110;

(4) an invitation to visit the stationary source with agency representatives or with the owner or operator of the stationary source to better understand the requested permit action;

(5) an invitation to participate in the public meetings required under part 7007.6080;

(6) an invitation to meet during public comment periods required under part 7007.6080;

(7) an invitation to provide information regarding concerns about impacts to natural resources, cultural resources, and geographic areas and their particular past, current, and future uses that are relevant to the Minnesota Tribal government; and

(8) a statement that information under subitem (7) must be included in the cumulative impact analysis under part 7007.6090 if the information is provided before the conclusion of the public notice and comment period for the public meeting required under part 7007.6080, subpart 4, item A, subitem (1).

C. If the Minnesota Tribal government provides a response to the notice in item A, the commissioner must notify the owner or operator of the response within 15 calendar days after receiving the response.

D. The notice in item C must include a statement that the owner or operator must provide the Minnesota Tribal government with an opportunity to:

(1) visit the stationary source with agency representatives or with the owner or operator of the stationary source to better understand the requested permit action;

(2) participate in the public meetings required under part 7007.6080;

(3) meet during the public comment periods required under part 7007.6080; and

(4) provide information, according to item B, subitems (7) and (8), that must be included in the cumulative impacts analysis as required by subpart 4 and part 7007.6090.

Subp. 4. **Tribal supplement to cumulative impacts analysis content.** When notified by the commissioner under subpart 3, item C, the owner or operator of a stationary source must supplement a cumulative impacts analysis required under part 7007.6090 with a description of the geographic area of interest to the Minnesota Tribal government that identifies impacts to natural and cultural resources, impacts on traditional practices, impacts on locations or areas of significance to the Minnesota Tribal government, and impacts on access to areas. This description must include impacts from the stationary source's current and proposed operations, including impacts from construction- and installation-related activities and ongoing impacts from the current and proposed operations of the stationary source.

7007.6040 GENERAL REQUIREMENTS.

Subpart 1. **Certifications.** A responsible official must sign and certify any submission or report required under parts 7007.6000 to 7007.6120 for truth, accuracy, and completeness. The certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Both the owner and the operator of the stationary source, if not the same entity, must comply with this subpart.

Subp. 2. **Information requests.** An owner or operator must, when requested by the commissioner, submit by the time specified in the request any information and reports that are needed to:

A. take action on any conditions of parts 7007.6000 to 7007.6120;

B. determine violations of parts 7007.6000 to 7007.6120;

C. evaluate potential impacts or the processes and products of the stationary source; or

D. review records required to be kept by the owner or operator.

Subp. 3. **Record keeping.**

A. An owner or operator must comply with this subpart for records required under parts 7007.6000 to 7007.6120.

B. The owner or operator must maintain records for at least five years after the date the record was made.

C. The owner or operator must maintain records at the stationary source unless otherwise allowed by the commissioner.

D. The owner or operator must make records available for examination and copying at the request of the commissioner.

Subp. 4. **Accuracy.** An owner or operator may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the commissioner under parts 7007.6000 to 7007.6120. An owner or operator must immediately upon discovery report to the commissioner an error or omission in required records, reports, plans, or other documents.

Subp. 5. **Duty to supplement or correct.**

A. An owner or operator that fails to submit any relevant facts or that submits incorrect information required by parts 7007.6000 to 7007.6120, upon becoming aware of such failure or incorrect submission, must promptly submit supplementary facts or corrected information.

B. An owner or operator must provide additional information as necessary to address any requirements of parts 7007.6000 to 7007.6120 that become applicable to the owner or operator of the stationary source after the date a complete permit application is filed but before a draft permit is released.

Subp. 6. **Consolidating public meeting requirements.**

A. If an owner or operator of a stationary source is applying for more than one requested permit action that may affect the same environmental justice area, the owner or operator may request that the commissioner consolidate the public meetings required under part 7007.6080 for multiple requested permit actions as provided by Minnesota Statutes, section 116.065, subdivision 4, paragraph (f). In the request, the owner or operator must:

(1) identify all requested permit actions for which public meetings are to be consolidated; and

(2) include a rationale for why it is reasonable to consolidate the public meetings under part 7007.6080 for the multiple requested permit actions.

B. The commissioner must approve or deny the request to consolidate public meetings under part 7007.6080 for multiple requested permit actions. In determining whether to approve or deny the request, the commissioner must consider the rationale submitted by the owner or operator.

Subp. 7. **Incorporating permit conditions.** If an owner or operator assumes any emission limits, operational conditions, control measures, or other measures as part of, or to avoid the applicability of, the requirements of parts 7007.6000 to 7007.6120, the owner or operator must incorporate those emission limits, operational conditions, control measures, or other measures into the requested permit action.

Subp. 8. **Permit conditions; in-person community meetings.** For any meetings held according to Minnesota Statutes, section 116.065, subdivision 4, paragraph (g), the owner or operator of the stationary source must maintain records that contain:

A. a description of the information shared and community concerns discussed;

B. the dates, times, and locations of the meetings;

C. a summary of the objectives, goals, and outcomes of the meetings; and

D. copies of any written or oral comments received from residents of the impacted environmental justice area during the meetings.

7007.6050 INITIAL ASSESSMENT.

Subpart 1. **Applicability.** An owner or operator of a stationary source that applies for a requested permit action must prepare and submit an initial assessment, in a format specified by the commissioner, that complies with this part.

Subp. 2. **Submission.**

A. An owner or operator must submit the initial assessment required by this part with the permit application according to part 7007.0500, subpart 6, item B, subitem (3).

B. The initial assessment must contain:

(1) the owner's or operator's determination of whether the requested permit action is likely to impact the environment or the health of residents of an environmental justice area;

(2) the data and information used by the owner or operator to make the determination in subitem (1);

(3) the information specified in subpart 3; and

(4) sufficient detail to determine whether the requested permit action meets any of the criteria described in subpart 4 for requiring a cumulative impacts analysis.

Subp. 3. **Content.** The initial assessment required under subpart 2 must include:

A. an executive summary of the information in the initial assessment;

B. descriptions and maps of the area surrounding the stationary source including:

(1) the stationary source location and property boundary, identified by a site plan or equivalent map if no site plan exists;

(2) a map showing one mile distant from the stationary source property boundaries;

(3) the location of and proximity to public spaces, residential dwellings, child day cares, prisons, and other stationary sources with air permits in and around the surrounding area; and

(4) a description of local zoning and the geography of the surrounding area;

C. a description of the stationary source's current and proposed operations, including:

(1) the purpose of the requested permit action;

(2) how the stationary source's current and proposed operations benefit the residents of the impacted environmental justice area;

(3) types of production equipment, types of pollution or environmental control measures and monitoring, hours of operation, traffic routes, number of employees, and other information relevant to assessing the potential for the stationary source to impact the environment or the health of the residents of the impacted environmental justice area; and

(4) if the requested permit action includes new construction or facility expansion, the project schedule including anticipated start of construction and completion dates for major phases of construction, any pollution or environmental control measures and monitoring instrumentation, hours of construction, on-site equipment, traffic routes, number of employees, and all other information relevant to the potential for the construction to impact the

environment or the health of the residents of the impacted environmental justice area;

D. a list of all federal, state, and local permits that are required, or will be required, for construction or operation of the stationary source, including and in addition to those listed in part 7007.6010, subpart 31;

E. evidence of satisfaction of any local environmental justice or cumulative impacts analysis ordinances with which the applicant is required to comply;

F. the environmental stressor information for the impacted environmental justice area obtained according to part 7007.6020, subpart 6, item A;

G. an assessment of the impacts of the requested permit action, both positive and negative, to the environment or the health of residents of the impacted environmental justice area, which must:

(1) identify the processes, including the amounts and pathways of pollution associated with the processes, that have the potential to impact the environment or the health of residents of the impacted environmental justice area;

(2) consider the impacts under worst case conditions as defined under part 7017.2005, subpart 8;

(3) identify the impacts at every stage of construction and operation of the stationary source; and

(4) consider each environmental stressor identified in item F and how each stressor may increase adverse effects of the stationary source or increase the impact that stationary source has on the environment or the health of residents of the impacted environmental justice area;

H. if the requested permit action includes facility expansion, detailed calculations of potential emissions of the pollutants identified in subpart 4, item B, calculated as described in part 7007.1200, subpart 3. The detailed calculations must also include a comparison to the thresholds identified in subpart 4, item B;

I. a description of any current or proposed emission or operating limits, operational conditions, control measures, or other measures to:

(1) avoid, minimize, or reduce negative impacts of the stationary source on the environment or the health of residents of the impacted environmental justice area; or

(2) provide an environmental or health benefit to residents of the impacted environmental justice area;

J. a detailed and complete compliance history for the stationary source, including copies of any enforcement actions issued to the stationary source for the three years preceding the date the requested permit action is received;

K. a description of any structural or operational changes that have occurred at the stationary source since the effective date of this part, or the date the most recent permit was issued with a cumulative impacts analysis approved under parts 7007.6000 to 7007.6120, whichever is later; and

L. if a cumulative impacts analysis was previously approved according to parts 7007.6000 to 7007.6120, a summary of the most recently approved cumulative impacts analysis and a description of any changes or proposed changes to data and information used to support the most recently approved cumulative impacts analysis compared to the data and information included in the initial assessment required by this part.

Subp. 4. **Benchmarks for requiring cumulative impacts analysis.**

A. If the requested permit action includes new construction, the owner or operator must conduct a cumulative impacts analysis under part 7007.6090.

B. If the requested permit action includes facility expansion, the owner or operator must conduct a cumulative impacts analysis under part 7007.6090 if the facility expansion has the potential to emit, as calculated according to part 7007.1200, subpart 3:

(1) one or more of the following pollutants at a rate equal to or greater than the specified amount, in pounds per hour:

(a) NO_X emissions - 2.28 pounds per hour;

(b) SO_2 emissions - 2.28 pounds per hour;

(c) VOC emissions - 2.28 pounds per hour;

(d) PM emissions - 1.43 pounds per hour;

(e) PM-10 emissions - 0.855 pounds per hour;

(f) PM-2.5 emissions - 0.571 pounds per hour;

(g) CO emissions - 5.7 pounds per hour;

(h) Pb emissions - 0.025 pounds per hour;

(i) fluoride emissions - 0.171 pounds per hour;

(j) sulfuric acid mist emissions - 0.400 pounds per hour;

(k) H_2S emissions - 0.571 pounds per hour;

(l) total reduced sulfur including H_2S emissions - 0.571 pounds per hour;

(m) total reduced sulfur compounds including H_2S emissions - 0.571 pounds per hour;

(n) municipal waste combustor organics emissions - 2.00E-07 pounds per hour;

(o) municipal waste combustor metals emissions - 0.856 pounds per hour;

(p) municipal solid waste landfill gas emissions - 2.85 pounds per hour;

(q) CO_2e emissions - 4,281 pounds per hour; or

(r) total HAP emissions - 0.057 pounds per hour; or

(2) a hazardous air pollutant under part 7007.1300, subpart 5, at a rate equal to or greater than 25 percent of the hazardous air pollutant thresholds under part 7007.1300, subpart 5, converted to pounds per hour.

C. If the requested permit action includes reissuance of a permit, the owner or operator of a stationary source must conduct a cumulative impacts analysis under part 7007.6090 if an enforcement action was issued to the stationary source by the commissioner, a county governmental authority delegated powers by agreement with the commissioner, or the United States Environmental Protection Agency for any environmental media within the three years before the date the application for reissuance is received, for a violation:

(1) for a failed performance test;

(2) that includes criminal enforcement;

(3) that includes a forgivable or nonforgivable monetary penalty; or

(4) that results in an administrative order.

Subp. 5. **Notice of initial assessment.**

A. The commissioner must post notice of receiving an initial assessment under this part on the agency website. Any person may request to receive notice from the commissioner of initial assessments received.

B. The notice must include, at a minimum:

(1) the name and location of the stationary source;

(2) the name and address of the owner or operator;

(3) the name and address of the agency;

(4) the activity or activities involved in the requested permit action;

(5) the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the initial assessment and any other relevant supporting materials that are public; and

(6) a statement that persons may file a petition, as described in part 7007.6060, requesting the commissioner to require the owner or operator of a stationary source to conduct a cumulative impacts analysis for the requested permit action.

7007.6060 PETITION PROCESS.

Subpart 1. **Petition.**

A. Any person may request that the commissioner require the owner or operator of a stationary source to conduct a cumulative impacts analysis for a requested permit action by filing a petition that contains the signatures and mailing addresses of at least 100 individuals who reside or own property in the impacted environmental justice area.

B. Any petition filed according to item A and this part must be submitted to the commissioner on or before the date the public notice and comment period for the draft permit ends according to part 7007.0850, subpart 2.

Subp. 2. **Content.**

A. The petition must include:

(1) a description of the requested permit action;

(2) the name of the owner or operator of the stationary source;

(3) the name, mailing address, email address, and telephone number of the petitioners' representative;

(4) the name, mailing address, and signature of at least 100 individuals who reside or own property in the impacted environmental justice area;

(5) a brief description of the potential impacts of the requested permit action to the environment or the health of the residents of the impacted environmental justice area; and

(6) material evidence that demonstrates that the requested permit action may have the potential to substantially impact the environment or the health of the residents of the impacted environmental justice area if the requested permit action is issued.

B. All material evidence under item A, subitem (6), must be submitted with the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.

Subp. 3. **Filing.**

A. The petitioners must submit the petition to the address specified by the commissioner, in a format specified by the commissioner.

B. The petitioners must notify, in writing, the owner or operator of the stationary source named in subpart 2, item A, at the time they submit a petition to the commissioner.

Subp. 4. **Completeness review.**

A. The commissioner must determine whether the petition complies with subparts 1 to 3.

B. The commissioner must notify, in writing, the petitioners' representative and the owner or operator of the stationary source whether the petition complies with subparts 1 to 3.

C. If the petition complies with subparts 1 to 3, the notice in item B must state that:

(1) the petition complies with subparts 1 to 3; and

(2) the commissioner will review the petition to determine whether to grant or deny the petition following the procedures in subpart 5.

D. If the petition does not comply with subparts 1 to 3, the notice in item B must:

(1) state that the petition does not comply with subparts 1 to 3;

(2) identify all deficiencies;

(3) advise the petitioners' representative how the deficiencies can be remedied; and

(4) state that the petitioners must remedy all identified deficiencies within 15 calendar days of the notice and that failure to remedy all identified deficiencies will void the petition.

E. If the petition does not comply with subparts 1 to 3 and the petitioners fail to remedy all of the deficiencies identified in item D, subitem (2), within 15 calendar days, the petition is void and the commissioner must notify the petitioners' representative that the petition is void.

Subp. 5. **Commissioner's decision.**

A. The commissioner must grant the petition and require the owner or operator of a stationary source to conduct a cumulative impacts analysis if the information considered in item C demonstrates that the requested permit action may have the potential to substantially impact the environment or the health of the residents of the impacted environmental justice area if the requested permit action is issued.

B. The commissioner must deny the petition if the information considered in item C fails to demonstrate that the requested permit action may have the potential to substantially impact the environment or the health of the residents of the impacted environmental justice area if the requested permit action is issued.

C. In determining whether to grant or deny the petition, the commissioner must consider:

(1) material evidence presented by the petitioners in the petition;

(2) material evidence presented by the owner or operator of the stationary source, including the requested permit action and the initial assessment required under part 7007.6050;

(3) material evidence presented by other persons;

(4) material evidence otherwise known to the commissioner; and

(5) any other information and data the commissioner deems relevant.

D. In determining whether to grant or deny the petition, the commissioner must consider the information identified in item C and evaluate the impacts that may be expected to occur from the requested permit action using the criteria listed in part 7007.6070, subpart 4.

Subp. 6. **Notice of petition.**

A. If the petition complies with subparts 1 to 3, the commissioner must post notice of receiving a petition under this part on the agency website. Any person may request to receive notice from the commissioner of petitions received.

B. The notice must include, at a minimum:

(1) the name and location of the stationary source;

(2) the name and address of the owner or operator;

(3) the name and address of the agency;

(4) the activity or activities involved in the requested permit action; and

(5) the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the petition and any other relevant supporting materials that are public.

7007.6070 DETERMINATION OF NEED.

Subpart 1. **Mandatory cumulative impacts analysis.** The commissioner must require an owner or operator to conduct a cumulative impacts analysis for the requested permit action if:

A. the requested permit action meets or exceeds any of the benchmarks specified in part 7007.6050, subpart 4; or

B. the commissioner determines, using the criteria in subpart 4, that issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area.

Subp. 2. **Discretionary cumulative impacts analysis.** The commissioner may require an owner or operator to conduct a cumulative impacts analysis for the requested permit action if:

A. the requested permit action does not meet or exceed any of the benchmarks specified in part 7007.6050, subpart 4, but the commissioner determines that a cumulative impacts analysis is necessary and supported by material evidence;

B. the commissioner determines under the petition process in part 7007.6060 that issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area according to the criteria in subpart 4; or

C. the owner or operator requests to conduct a cumulative impacts analysis to determine whether issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area.

Subp. 3. **Determining need for cumulative impacts analysis.** In determining whether a cumulative impacts analysis is required under subpart 1, the commissioner must:

A. consider:

(1) the requested permit action;

(2) the initial assessment required under part 7007.6050 for the requested permit action;

(3) whether the requested permit action meets or exceeds any of the benchmarks under part 7007.6050, subpart 4;

(4) a petition submitted under part 7007.6060 and any material evidence accompanying the petition if submitted under part 7007.6060;

(5) material evidence otherwise known to the commissioner; and

(6) any other information and data the commissioner deems relevant; and

B. evaluate the impacts that may be expected to occur from the requested permit action using the criteria in

subpart 4.

Subp. 4. **Determining substantial impact.** In determining whether issuing the requested permit action may substantially impact the environment or the health of the residents of an environmental justice area, the commissioner must consider:

A. the type, extent, and reversibility of potential impacts to the environment or the health of residents of an environmental justice area;

B. cumulative potential impacts, considering:

(1) whether the potential impact is significant;

(2) whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the potential impact;

(3) the degree to which the measures proposed by the owner or operator in the requested permit action are specifically designed to eliminate, minimize, or mitigate the cumulative potential impact; and

(4) the actions of the owner or operator of the stationary source to eliminate, minimize, or mitigate the contributions from the requested permit action;

C. the extent to which the potential impacts are subject to mitigation by ongoing public regulatory authority, but only if mitigation measures are specific and can be expected to mitigate the identified potential impacts of the requested permit action; and

D. the extent to which potential impacts can be anticipated and controlled as understood or explained by existing and available environmental and health studies undertaken by public agencies or the owner or operator of the stationary source, including other cumulative impacts analyses.

Subp. 5. **Insufficient information.** If the commissioner determines that there is insufficient information to make a decision about the potential for or significance of one or more environmental or health impacts but the information can be obtained, the commissioner must:

A. require the owner or operator to conduct a cumulative impacts analysis, if the commissioner would otherwise require a cumulative impacts analysis according to subpart 1 or 2, and include within the scope of the cumulative impacts analysis a requirement to obtain the lacking information; or

B. provide written notice to the owner or operator, including a brief description of the lacking information, and require the owner or operator to submit the lacking information by the time specified in the notice.

Subp. 6. **Decision document.** The commissioner must prepare a written document containing the reasons for the determination made according to subpart 3. The document must describe the information that was considered in making the decision and how the information was weighed. The commissioner must post the document on the agency website and notify the owner or operator within 30 calendar days after the determination.

7007.6080 PUBLIC PARTICIPATION.

Subpart 1. **Applicability.** An owner or operator of a stationary source must comply with this part if the owner or operator is required to prepare a cumulative impacts analysis under part 7007.6090 or is required to prepare a community benefit agreement under part 7007.6110.

Subp. 2. **Cumulative impacts analysis; public participation plan.**

A. An owner or operator must prepare and submit a cumulative impacts analysis public participation plan, in a format specified by the commissioner, that complies with this subpart when the owner or operator is required to prepare a cumulative impacts analysis under part 7007.6090. The public participation plan must include:

(1) a summary of the initial assessment prepared according to part 7007.6050;

(2) a description of how the owner or operator will comply with subparts 4 to 11; and

(3) a description of expected timelines for starting and completing the public meetings required under subpart 4, item A; associated public notices required under subpart 7; and public comment periods required under subpart 8.

B. An owner or operator must submit the public participation plan to the commissioner within 30 calendar days after the date the commissioner posts the determination under part 7007.6070, subpart 6.

C. The commissioner must review and approve the public participation plan before the owner or operator provides public notice under subpart 7 for the public meeting described in subpart 4, item A, subitem (1).

D. If the commissioner does not approve the public participation plan, the commissioner must identify any deficiencies, notify the owner or operator of the deficiencies, advise the owner or operator on how to remedy all identified deficiencies, and specify a timeline for resubmitting the public participation plan.

E. An owner or operator may hire a third party to assist in developing and implementing the public participation plan.

Subp. 3. **Community benefit agreement; public participation plan.**

A. An owner or operator must prepare and submit a community benefit agreement public participation plan, in a format specified by the commissioner, that complies with this subpart when the owner or operator is required to prepare a community benefit agreement under part 7007.6110. The public participation plan must include:

(1) a summary of the substantial adverse impact identified in the commissioner's determination of substantial adverse impact required under part 7007.6100;

(2) a description of how the owner or operator will comply with subparts 4 to 11;

(3) a description of how the owner or operator will comply with part 7007.6110, subpart 2; and

(4) a description of expected timelines for starting and completing the public meetings required under subpart 4, item B; associated public notices required under subpart 7; and associated public comment periods required under subpart 8.

B. An owner or operator must submit the public participation plan to the commissioner within 30 calendar days after the date the commissioner posts the determination under part 7007.6100, subpart 4.

C. The commissioner must review and approve the public participation plan before the owner or operator provides public notice under subpart 7 for the public meeting described in subpart 4, item B, subitem (1).

D. If the commissioner does not approve the public participation plan, the commissioner must identify any deficiencies, notify the owner or operator of the deficiencies, advise the owner or operator on how to remedy all identified deficiencies, and specify a timeline for resubmitting the public participation plan.

E. The owner or operator may hire a third party to assist in developing and implementing the public participation plan.

Subp. 4. **Public meetings.**

A. Before the commissioner issues or denies the requested permit action, the owner or operator of a stationary source that is required to prepare a cumulative impacts analysis under part 7007.6090 must hold at least two public meetings in the impacted environmental justice area regarding the cumulative impacts analysis. The owner or operator must, at a minimum, hold:

(1) one public meeting before conducting the cumulative impacts analysis; and

(2) one public meeting after conducting the cumulative impacts analysis.

B. Before the commissioner enters into a community benefit agreement, the owner or operator that is required to

prepare a community benefit agreement under part 7007.6110 must hold at least two public meetings in the impacted environmental justice area regarding the community benefit agreement. The owner or operator must, at a minimum, hold:

(1) one public meeting before preparing the draft community benefit agreement; and

(2) one public meeting after preparing the draft community benefit agreement.

Subp. 5. **Public meeting requirements.**

A. The owner or operator of a stationary source holding a public meeting under subpart 4 must:

(1) comply with this subpart;

(2) comply with the meeting-specific requirements under subpart 6 for the applicable meeting;

(3) publish notice of the public meeting according to subpart 7; and

(4) accept written and oral comments from any interested persons and respond to those comments according to subpart 8.

B. An owner or operator must hold a public meeting required under subpart 4 in the impacted environmental justice area at a location that is convenient to persons expected to attend the meeting. If the owner or operator demonstrates that there is no suitable meeting place in the impacted environmental justice area, the commissioner must approve an alternative location for the public meeting that is as close as possible to the impacted environmental justice area.

C. For a public meeting required under subpart 4, the owner or operator must:

(1) conduct the public meeting on a weekday that is not a public holiday with a start time between 5:30 p.m. and 7:30 p.m. central time, unless an alternative day and time is approved by the commissioner;

(2) include a video and audio recording of the entirety of the public meeting that is made available online for the public to view. The recording must be available within 15 calendar days after the public meeting until at least the close of the public notice and comment period for the draft permit required under part 7007.0850; and

(3) provide language interpretation services, translation services, and translated written materials upon request.

D. At a public meeting required under subpart 4, the owner or operator must provide, at a minimum:

(1) a statement that persons may request to be placed on the mailing list under subpart 7, item D, to receive notice of future proceedings under parts 7007.6000 to 7007.6120;

(2) a brief description of the comment procedures required by subpart 8, including the date on which the comment period ends and how interested persons must submit their comments;

(3) a summary description of the stationary source and the requested permit action; and

(4) a concise description regarding the requirements of parts 7007.6000 to 7007.6120 that are or may be applicable to the requested permit action.

E. The commissioner or an agency representative must attend a public meeting required under subpart 4.

F. The owner or operator must prepare a fact sheet for a public meeting required under subpart 4. The fact sheet must include:

(1) a summary description of the stationary source and the requested permit action;

(2) a concise description regarding the requirements of parts 7007.6000 to 7007.6120 that are or may be applicable to the requested permit action;

(3) a summary of the potential impacts to the environment or the health of the residents of the impacted environmental justice area;

(4) a summary of the information to be discussed at the public meeting;

(5) the beginning and end dates of the public comment period associated with the public meeting and how interested persons must submit their comments; and

(6) the name, address, telephone number, and email address of a person or a website address from which interested persons may obtain additional information or submit comments.

G. At least 45 calendar days before a public meeting required under subpart 4, the owner or operator must:

(1) provide written notice of the public meeting to the commissioner and the responsible officials of any municipalities in which the impacted environmental justice area is located;

(2) provide the commissioner a copy of the notice of the public meeting required under subpart 7; and

(3) provide the commissioner a copy of the fact sheet required under item F.

Subp. 6. **Meeting-specific requirements.**

A. At the public meeting required under subpart 4, item A, subitem (1), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of information included in the initial assessment required under part 7007.6050;

(2) a summary of the reasons why a cumulative impacts analysis is required, including references to the commissioner's determination of need under part 7007.6070;

(3) a summary of the information needed for the owner or operator to conduct the cumulative impacts analysis according to part 7007.6090; and

(4) an opportunity for any interested persons to ask questions, discuss the information to be included in the cumulative impacts analysis, and provide comments.

B. At the public meeting required under subpart 4, item A, subitem (2), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of the comments received during the public meeting required under subpart 4, item A, subitem (1), and the associated public comment period and a summary of the owner's or operator's response to the comments;

(2) a summary of the information included in and results of the cumulative impacts analysis required under part 7007.6090;

(3) an explanation of how comments received informed any information included in the cumulative impacts analysis under part 7007.6090;

(4) the owner's or operator's determination regarding whether issuing the requested permit action would have a substantial adverse impact according to part 7007.6100; and

(5) an opportunity for any interested persons to ask questions, discuss the cumulative impacts analysis, and provide comments.

C. At the public meeting required under subpart 4, item B, subitem (1), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of the comments received during the public meeting required under subpart 4, item A, subitem (2), and the associated public comment period and a summary of the owner's or operator's response to the comments;

(2) a summary of the reasons why a community benefit agreement is required, including references to the commissioner's determination of substantial adverse impact under part 7007.6100;

(3) a summary of the information needed for the owner or operator to draft the community benefit agreement according to part 7007.6110;

(4) examples of benefits that could be included in a community benefit agreement required under part 7007.6110; and

(5) an opportunity for any interested persons to ask questions, discuss the information and benefits to be included in the draft community benefit agreement, and provide comments.

D. At the public meeting required under subpart 4, item B, subitem (2), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of the comments received during the public meeting required under subpart 4, item B, subitem (1), and the associated public comment period and a summary of the owner's or operator's response to the comments;

(2) a summary of the draft community benefit agreement required under part 7007.6110;

(3) an explanation of how comments received informed any information included in the draft community benefit agreement required under part 7007.6110; and

(4) an opportunity for any interested persons to ask questions, discuss the draft community benefit agreement, and provide comments.

Subp. 7. **Public notices.**

A. At least 30 calendar days before a public meeting required under subpart 4, the owner or operator must:

(1) post and maintain, in a legible condition, physical signs in the impacted environmental justice area that comply with item C;

(2) publish a notice in at least one newspaper of general circulation in the impacted environmental justice area;

(3) publish a notice in at least one non-English newspaper or periodical of general circulation in the impacted environmental justice area, if available, in a language representative of the residents of the impacted environmental justice area;

(4) provide notice to any interested persons signed up to receive notices through the electronic mailing list under item D; and

(5) provide notice through other methods identified and selected by the owner or operator, if necessary to ensure direct notice to persons in the impacted environmental justice area.

B. Signs and notices under item A must be in a format specified by the commissioner and must include, at a minimum:

(1) the name and location of the stationary source;

(2) the name and address of the permittee;

(3) the name and address of the agency;

(4) a brief description of the requested permit action and the activity or activities involved in the requested permit action;

(5) a brief statement describing the purpose of the meeting;

(6) a statement requesting comments to develop materials required to be prepared under parts 7007.6000 to

7007.6120;

(7) a statement that persons may request to be placed on the mailing list required by item D to receive notice of future proceedings under parts 7007.6000 to 7007.6120;

(8) the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the requested permit action and any other relevant supporting materials that are public;

(9) a brief description of the comment procedures required by this part, including the dates on which the comment period begins and ends and how interested persons must submit their comments;

(10) the date, time, and location of the applicable public meeting; and

(11) a statement of procedures to request interpretation services, translation services, or translated written materials.

C. The physical signs required under item A, subitem (1), must:

(1) be posted at the location of the stationary source;

(2) be posted in at least four public spaces in each environmental justice area within the impacted environmental justice area;

(3) be at least 8.5 inches by 11 inches in size; and

(4) be in English and any one or more other languages representative of the residents of the impacted environmental justice area.

D. An owner or operator must create and maintain an electronic mailing list and provide interested persons with opportunities to sign up to receive notice of public meetings and future proceedings under parts 7007.6000 to 7007.6120.

Subp. 8. **Public comments.**

A. For a public notice under subpart 7, the owner or operator must provide at least 30 calendar days for public comment. The public comment period must remain open for at least 15 calendar days after the date of the public meeting.

B. At a public meeting required under subpart 4, the owner or operator must accept written and oral comments from any interested persons and allot sufficient time to ensure that all interested persons have an opportunity to provide oral comment at the public meeting.

C. Within 30 calendar days after a public meeting required under subpart 4, the owner or operator must provide to the commissioner an electronic copy of all written comments and a transcript of all oral comments received at the meeting.

D. The owner or operator must respond in writing to all comments and must maintain a record of the public participation process, including any public meeting. The record must include:

(1) a list of the commenters;

(2) issues raised by the commenters;

(3) comments received; and

(4) the owner’s or operator’s written responses to the comments.

E. An owner or operator must provide the report required under item D to the commissioner within 30 calendar days after the end of the comment period and at least 45 calendar days before the subsequent public meeting required under subpart 4.

Subp. 9. **Posting public notice documents.** For at least the duration of a comment period and for at least 30 calendar days before a public meeting, the commissioner must post the following materials on the agency website for public notices:

A. for a public meeting required under subpart 4:

(1) the notice of the public meeting required under subpart 7; and

(2) the fact sheet required under subpart 5, item F;

B. for the public meeting required under subpart 4, item A, subitem (1):

(1) the initial assessment required under part 7007.6050;

(2) the commissioner's determination of need required under part 7007.6070; and

(3) a copy of the cumulative impacts analysis public participation plan required under subpart 2;

C. for the public meeting required under subpart 4, item A, subitem (2):

(1) the cumulative impacts analysis required under part 7007.6090; and

(2) the report required under subpart 8, item E, for the public meeting required under subpart 4, item A, subitem (1);

D. for the public meeting required under subpart 4, item B, subitem (1):

(1) the cumulative impacts analysis required under part 7007.6090;

(2) the commissioner's determination of substantial adverse impact required under part 7007.6100;

(3) a copy of the community benefit agreement public participation plan required under subpart 3; and

(4) the report required under subpart 8, item E, for the public meeting required under subpart 4, item A, subitem (2); and

E. for the public meeting required under subpart 4, item B, subitem (2):

(1) the cumulative impacts analysis required under part 7007.6090;

(2) the draft community benefit agreement required under part 7007.6110; and

(3) the report required under subpart 8, item E, for the public meeting required under subpart 4, item B, subitem (1).

Subp. 10. **Record keeping.** An owner or operator must maintain:

A. copies and proof of publishing the notices of public meetings required under subpart 7, item A, subitems (2) and (3);

B. copies and proof of posting and maintaining the signs required under subpart 7, item A, subitem (1);

C. a list of physical addresses where and dates when the signs required under subpart 7, item A, subitem (1), were posted;

D. copies and proof of mailing the informational material required under part 7007.6110, subpart 2, item C;

E. copies of all written and oral comments received at any public meeting required under this part;

F. copies of all written and oral comments received during any public notice period required under this part;

G. copies of all written responses to comments required under subpart 8, item D;

H. copies and proof of mailing any notice of public meetings and proceedings required under subpart 7, item A, subitem (4);

I. a record of the website address, dates of posting, and duration or removal date of the recordings required under subpart 5, item C, subitem (2); and

J. records of any other methods used to provide notice under subpart 7, item A, subitem (5).

Subp. 11. **Additional outreach and engagement.**

A. An owner or operator may conduct additional outreach and engagement, in addition to the requirements of this part, to develop and foster existing community relations and foster community engagement at any point before or while drafting a cumulative impacts analysis and a community benefit agreement.

B. An owner or operator may use information gathered from additional or existing outreach and engagement in preparing a cumulative impacts analysis and a community benefit agreement if the owner or operator maintains records that contain:

(1) a description of the additional or existing outreach and engagement method;

(2) dates, times, and locations of where additional or existing outreach and engagement was conducted;

(3) a summary of the objectives, goals, and outcomes of each additional or existing outreach and engagement activity conducted; and

(4) copies of any written or oral comments received from residents of the impacted environmental justice area during the additional or existing outreach and engagement activity.

7007.6090 CUMULATIVE IMPACTS ANALYSIS.

Subpart 1. **Applicability.** An owner or operator of a stationary source must conduct and submit a cumulative impacts analysis for a requested permit action, in a format specified by the commissioner, that complies with this part when the commissioner determines that a cumulative impacts analysis is required under part 7007.6070.

Subp. 2. **Submissions.**

A. An owner or operator must submit a cumulative impacts analysis required by this part to the commissioner at least 45 calendar days before the public meeting required under part 7007.6080, subpart 4, item A, subitem (2).

B. The cumulative impacts analysis must contain:

(1) the information included in the initial assessment prepared under part 7007.6050;

(2) the information specified in subpart 3;

(3) an air quality modeling analysis required under subpart 4;

(4) an air emissions risk analysis required under subpart 5;

(5) the Tribal supplement, if required by part 7007.6030, subpart 4;

(6) the owner's or operator's determination of whether issuing the requested permit action would have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area; and

(7) the data and information used by the owner or operator to make the determination in subitem (6).

C. If the commissioner determines that additional information is necessary in order to determine the potential for, or significance of, one or more environmental or health impacts, the commissioner must require the owner or operator to include the following additional information, as applicable:

(1) information or analyses identified during the determination of need stage under part 7007.6070, subpart 5;

(2) information or analyses needed to evaluate potential impacts identified through a petition submitted under part 7007.6060;

(3) information or analyses needed to evaluate potential impacts identified through comments provided through public participation conducted according to part 7007.6080; and

(4) any other information and analyses the commissioner deems relevant.

Subp. 3. **Cumulative impacts analysis contents.** An owner or operator must include the following information in a cumulative impacts analysis:

A. Site mapping for the stationary source showing:

(1) topographic conditions, contour data, drainage patterns, wetlands and their associated buffers, coastal zones, or other areas regulated by the Pollution Control Agency or the Department of Natural Resources;

(2) areas of known plant or animal species on the federal and state endangered, threatened, or rare plant or animal species lists;

(3) all existing water classifications and designated uses, including limitations of the groundwater and surface water bodies that are immediately adjacent to the site, exist on the site, or drain directly onto or off the site; drinking water supply management areas on the site; upstream tributaries of bodies of water that flow onto the site; and downstream tributaries of bodies of water that flow from the site, in accordance with chapter 7050; and

(4) any existing public scenic attributes or outdoor recreation and conservation opportunities in the impacted environmental justice area, such as:

(a) any federal, state, county, Tribal, or municipal parks, forests, wildlife management areas, or natural areas;

(b) any areas acquired for recreation and conservation purposes with any state, federal, local, or Tribal program or a nonprofit conservation organization;

(c) any lands preserved as open space by a nonprofit conservation organization; and

(d) other public access features.

B. Information pertaining to the existence or absence of contamination on site, which may include the existence of known or suspected contaminants, historical uses of the site, and any remediation activities that have occurred on the site.

C. An assessment of localized impacts of climate change, including pollutants, hazards, risks, and vulnerability linked to climate change, considering air quality, water quality and quantity, land use, and public health. At a minimum, the assessment must include:

(1) the current and anticipated future conditions of climate change during the life of the stationary source in the location where it is sited;

(2) contributions to climate change and its impacts from action taken by and pollutants emitted by the stationary source;

(3) impacts of climate change that may result in air quality risks and benefits, water quality and quantity risks, risks for land use, and risks to public health generally and for vulnerable populations;

(4) vulnerabilities given the locational hazards and climate risks identified; and

(5) proposed mitigation, adaptation, or resilience measures to address climate change vulnerabilities.

D. A traffic study that describes the transportation routes that will service the stationary source; site access capability; and existing traffic flow patterns expressed in terms of daily peak hour volumes, off-peak hour volumes, levels of service, and average daily round trips; and the stationary source's current and proposed contributions thereto for all vehicles associated with the stationary source's operations.

E. A description of the stormwater management system that identifies the type of collection and treatment system available and the current collection and treatment capacity and utilization, including the presence or absence of combined sewer overflows.

F. A description of the odor, dust, and noise impacts of construction and operation of the stationary source on the residents of the impacted environmental justice area. If the stationary source has the potential to cause odor, dust, or noise off site, the owner or operator must include an odor, dust, and noise mitigation or management plan.

G. An analysis and proposal of emission limits, operational conditions, control measures, or other measures necessary to:

(1) avoid the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area; and

(2) minimize or reduce the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area.

H. An analysis and outline of comments provided during the public notice and comment periods required under part 7007.6080. The analysis and outline must describe actions that the owner or operator will take to address issues raised in comments, including identifying any additional analyses that the owner or operator undertook to supplement the cumulative impacts analysis.

I. A description of the socioeconomic impact of construction and operation of the stationary source on the residents of the impacted environmental justice area.

Subp. 4. **Air quality modeling analysis.**

A. An owner or operator must conduct an air quality modeling analysis for the Minnesota ambient air quality standards and national ambient air quality standards identified in parts 7009.0080 and 7009.0090 that:

(1) indicates whether the permit for the stationary source contains requirements to conduct air dispersion modeling for criteria pollutants and identifies any past air dispersion modeling conducted for the stationary source; and

(2) evaluates the potential ambient air quality impacts from the stationary source and whether the stationary source is likely to cause or contribute to an exceedance of the ambient air quality standards.

B. An owner or operator must conduct an air quality modeling analysis in accordance with a protocol approved in advance by the commissioner according to item C. The air quality modeling analysis must address each pollutant that the stationary source has the potential to emit in an amount greater than or equal to the rates identified in Code of Federal Regulations, title 40, section 52.21(b)(23)(i).

C. The commissioner must approve a protocol under item B if the protocol:

(1) documents how the owner or operator proposes to conduct an air quality modeling analysis and how the results will be presented to the commissioner; and

(2) contains the information necessary to perform the analysis, including identifying:

(a) the current and proposed operations of the stationary source;

(b) the air quality model to be used;

(c) types of emissions;

(d) emission rates;

(e) pollutant release characteristics;

(f) buildings and related structures;

(g) terrain data;

(h) meteorological information;

(i) receptor placement;

(j) ambient air boundary;

(k) background concentrations of regulated criteria pollutants;

(l) other nearby sources of pollutants; and

(m) any other information necessary to perform an accurate analysis.

D. An owner or operator must submit the results of an air quality modeling analysis conducted in accordance with the approved protocol in an air quality modeling analysis report, in a format specified by the commissioner.

E. An air quality modeling analysis report must document the results of the air quality modeling analysis and demonstrate whether issuing the requested permit action will cause or contribute to an exceedance of any ambient air quality standard.

Subp. 5. **Air emissions risk analysis.**

A. An owner or operator must conduct an air emissions risk analysis to estimate the potential human health risks from air pollution emitted by the stationary source. An air emissions risk analysis is a process that:

(1) uses spreadsheets, computer models, and inhalation health benchmarks to estimate the potential human health risks from air pollution emitted by a stationary source;

(2) indicates whether the permit for the stationary source contains requirements to conduct an air emissions risk analysis and identifies any past air emissions risk analysis conducted for the stationary source; and

(3) evaluates the potential impacts from the stationary source and whether issuing the requested permit action is likely to cause or contribute to an exceedance of the acceptable risk levels identified in item D.

B. An owner or operator must conduct an air emissions risk analysis in accordance with a protocol approved in advance by the commissioner according to item C.

C. The commissioner must approve a protocol under item B if the protocol:

(1) documents how the owner or operator proposes to conduct an air emissions risk analysis and how the results will be presented to the commissioner;

(2) contains the information necessary to perform the analysis, including identifying:

(a) the current and proposed operations of the stationary source;

(b) the air quality model to be used;

(c) types of emissions;

(d) emission rates;

(e) pollutant release characteristics;

(f) buildings and related structures;

(g) terrain data;

(h) meteorological information;

(i) receptor placement; and

(j) the ambient air boundary;

(3) includes an exposure assessment that characterizes the neighborhood and potential receptors surrounding the stationary source;

(4) defines the extent of a modeling domain;

(5) identifies information regarding the impacted environmental justice area, including population, census, and demographic information; and

(6) includes maps of sensitive receptors, zoning, land use, farming locations, and fishable water bodies.

D. An owner or operator must use the following acceptable risk levels in an air emissions risk analysis under this subpart:

(1) cancer risk of 1 in 100,000;

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

(3) hazard quotient of 1 (rounded to one significant figure) for farmer noncancer, farmer cancer, urban gardener noncancer, urban gardener cancer, resident noncancer, and resident cancer multipathway risk; and

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

E. An owner or operator must submit the results of an air emissions risk analysis conducted in accordance with the approved protocol in an air emissions risk analysis report, in a format specified by the commissioner.

F. An air emissions risk analysis report must document the results of the air emission risk analysis and demonstrate whether issuing the requested permit action will cause or contribute to an exceedance of the acceptable risk levels identified in item D.

7007.6100 SUBSTANTIAL ADVERSE IMPACT.

Subpart 1. **Substantial adverse impact determination.**

A. The commissioner must determine that issuing the requested permit action would result in a substantial adverse impact to the environment or the health of the residents of the impacted environmental justice area if:

(1) the results of the air quality modeling analysis required under part 7007.6090, subpart 4, indicate that emissions from the stationary source would result in a contribution to modeled air pollution concentrations of pollutants that are greater than or equal to 50 percent of any ambient air quality standard;

(2) the results of the air emissions risk analysis required under part 7007.6090, subpart 5, indicate that emissions from the stationary source would result in a predicted maximum ambient impact that exceeds the acceptable risk levels listed in part 7007.6090, subpart 5, item D; or

(3) the commissioner determines an environmental or health impact identified in the cumulative impacts

analysis is a substantial adverse impact under item B.

B. In determining whether an environmental or health impact is a substantial adverse impact, the commissioner must consider the following information and evaluate the environmental or health impact using the criteria listed in subpart 2:

(1) the requested permit action;

(2) the cumulative impacts analysis required under part 7007.6090;

(3) the environmental stressors present in the impacted environmental justice area;

(4) the comments received during the public notice and comment periods required under part 7007.6080 and during the public participation conducted according to part 7007.6080;

(5) the owner's or operator's responses to comments received during the public notice and comment periods required under part 7007.6080 and during the public participation conducted according to part 7007.6080; and

(6) the socioeconomic impact of the stationary source to residents of the impacted environmental justice area.

Subp. 2. **Criteria for evaluating environmental and health impacts.** In determining whether an environmental or health impact is a substantial adverse impact, the commissioner must evaluate:

A. the type, extent, and reversibility of the environmental or health impact;

B. cumulative impacts, considering:

(1) whether the impact is significant;

(2) whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the impact;

(3) the degree to which the measures proposed by the owner or operator in the requested permit action are specifically designed to eliminate, minimize, or mitigate the cumulative impact; and

(4) the actions of the owner or operator of the stationary source to eliminate, minimize, or mitigate the contributions from the requested permit action;

C. the extent to which the impacts are subject to mitigation by ongoing public regulatory authority, but only if mitigation measures are specific and can be expected to mitigate the identified impacts of the requested permit action;

D. the extent to which impacts can be anticipated and controlled as understood or explained by existing and available environmental and health studies undertaken by public agencies or the owner or operator of the stationary source, including other cumulative impact analyses; and

E. the environmental stressors present in the impacted environmental justice area and how they may increase the magnitude of adverse environmental or health impacts.

Subp. 3. **Insufficient information.** If the commissioner determines that there is insufficient information for a determination under subpart 1, but the information can be obtained, the commissioner must provide written notice to the owner or operator, including a brief description of the lacking information, and require the owner or operator to submit the lacking information by the time specified in the notice.

Subp. 4. **Decision document; substantial adverse impact determination.** The commissioner must prepare a written document containing the reasons for the commissioner's determination under subpart 1 regarding whether issuing the requested permit action would have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area. The document must describe the information that was considered in making the decision and how the information was weighed. The commissioner must post the document on the agency website within 30 calendar days after the determination is made.

Subp. 5. **Substantial adverse impact; avoidance and mitigation.**

A. If issuing the requested permit action would have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area under subpart 1, the owner or operator may identify and analyze additional emission limits, operational conditions, control measures, or other measures to avoid, minimize, or reduce the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area such that there is no longer a substantial adverse impact.

B. The owner or operator may incorporate the measures identified in item A into the requested permit action and revise the cumulative impacts analysis to include the measures identified.

C. If an owner or operator revises the requested permit action and cumulative impacts analysis to incorporate the measures identified in item A so that issuing the requested permit action would no longer have a substantial adverse impact as determined under subpart 1, the owner or operator is not required to prepare a community benefit agreement under part 7007.6110.

7007.6110 COMMUNITY BENEFIT AGREEMENTS.

Subpart 1. **Applicability.**

A. An owner or operator of a stationary source must prepare a community benefit agreement, in a format specified by the commissioner, according to this part when:

(1) the owner or operator is required to conduct a cumulative impacts analysis under part 7007.6090; and

(2) issuing the requested permit action would have a substantial adverse impact according to part 7007.6100.

B. An owner or operator of a stationary source that requests to modify a community benefit agreement previously approved under this part must prepare a request to modify a community benefit agreement, in a format specified by the commissioner, that complies with part 7007.6115.

Subp. 2. **Public outreach and engagement.**

A. An owner or operator must conduct outreach and engagement that is designed to achieve significant community involvement and provide residents of the impacted environmental justice area with opportunities to participate during the preparation of a community benefit agreement using the methods in this subpart.

B. An owner or operator must comply with the applicable public participation requirements under part 7007.6080.

C. An owner or operator must distribute printed informational material by mail to all addresses located in the impacted environmental justice area. Printed informational material must:

(1) be in English and any one or more other languages representative of the impacted environmental justice area;

(2) state the need for residents' comments in developing a draft community benefit agreement and in identifying benefits to be included in a draft community benefit agreement;

(3) include the name and location of the stationary source;

(4) include the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the cumulative impacts analysis and any other relevant supporting materials that are public;

(5) include the date, time, and location of the applicable public meeting required under part 7007.6080, subpart 4, item B, subitem (1); and

(6) be distributed by deposit in United States mail with postage prepaid at least 30 days before the date of the applicable public meeting required under part 7007.6080, subpart 4, item B, subitem (1).

D. An owner or operator may hire a third party to assist in planning and facilitating outreach and engagement.

Subp. 3. **Community benefit agreement elements.** A community benefit agreement must include, at a minimum:

A. a description of the requested permit action that will have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area;

B. the potential and expected impacts of the requested permit action, both positive and negative, to the environment or the health of residents of the impacted environmental justice area;

C. community benefits according to subpart 4;

D. a description of both positive and negative effects generated, whether direct, indirect, or cumulative, for each community benefit included and considered for inclusion;

E. expected timelines for starting and completing construction or implementation of the changes in the requested permit action;

F. timelines for starting and completing construction or implementation of community benefits and the duration of each community benefit, if applicable;

G. if a community benefit results in a permanent physical structure or objects, identification of the party that will have legal ownership of the structure or objects upon completion and the party responsible for applicable taxes and maintenance;

H. reporting and notification requirements according to subpart 5. Additional reporting requirements must consider the input or comments provided through public participation according to part 7007.6080;

I. details describing how each community benefit identified in item C will be deemed complete or fully implemented. Whether a benefit is complete or fully implemented must consider the input or comments provided through public participation according to part 7007.6080; and

J. other information or requirements, as determined by the commissioner, that consider the input or comments provided through public participation under part 7007.6080.

Subp. 4. **Community benefits.**

A. Community benefits:

(1) may be suggested by residents of the impacted environmental justice area, any interested persons, the owner or operator, and the commissioner; and

(2) must be discussed between the residents of the impacted environmental justice area and the owner or operator, at a minimum, during public meetings under part 7007.6080, subpart 4, item B.

B. Community benefits other than or in addition to economic benefits must be considered for inclusion in the community benefit agreement.

C. Community benefits that directly impact the residents of the impacted environmental justice area must be prioritized.

Subp. 5. **Reporting requirements.**

A. A community benefit agreement must provide for:

(1) notice of the start of construction or implementation of each community benefit identified in the community benefit agreement, to be submitted within 30 calendar days after the start date of construction or implementation;

(2) periodic progress reports summarizing the status of each community benefit, to be submitted at a frequency

specified in the community benefit agreement, but at least semiannually according to item C; and

(3) notice of the completion of construction or implementation of each community benefit identified in the community benefit agreement, to be submitted within 15 calendar days after the date of completion of construction or implementation.

B. Reports and notices under item A must be submitted to the commissioner and any persons on a mailing list developed under part 7007.6080, subpart 7, item D.

C. The mid-year progress report under item A, subitem (2), covering January 1 to June 30, is due by July 30 each year, and the end-of-year progress report, covering July 1 to December 31, is due by January 30 each year.

Subp. 6. **Draft community benefit agreement submission.**

A. In preparing and submitting a draft community benefit agreement, an owner or operator must:

(1) comply with the public outreach and engagement requirements under subpart 2;

(2) consider any comments received during the public meeting required under part 7007.6080, subpart 4, item B, subitem (1), and the associated public notice and comment period; and

(3) ensure the draft community benefit agreement complies with the requirements of subparts 3 to 5.

B. An owner or operator must submit a draft community benefit agreement to the commissioner at least 45 calendar days before the public meeting required under part 7007.6080, subpart 4, item B, subitem (2).

C. The commissioner must post the draft community benefit agreement required by this part on the agency website. Any person may request to receive notice from the commissioner of draft community benefit agreements received.

Subp. 7. **Proposed community benefit agreement submission.**

A. Within 45 calendar days after the end of the public comment period specified under part 7007.6080, subpart 8, item A, for the public meeting required under part 7007.6080 subpart 4, item B, subitem (2), an owner or operator must submit to the commissioner:

(1) a proposed community benefit agreement; and

(2) copies of the records required under part 7007.6080, subpart 10.

B. In preparing and submitting a proposed community benefit agreement required under this part, the owner or operator must:

(1) comply with the public outreach and engagement requirements under subpart 2;

(2) consider any comments received during the public meeting required under part 7007.6080, subpart 4, item B, subitem (2), and the associated public comment period; and

(3) ensure the proposed community benefit agreement complies with the requirements of subparts 3 to 5.

C. If any changes were made to the draft community benefit agreement submitted under subpart 6, the owner or operator must provide a description of the changes and an explanation of the reason for the changes with the proposed community benefit agreement.

D. The commissioner must post the proposed community benefit agreement and a document containing the information specified in item C on the agency website. Any person may request to receive notice from the commissioner of proposed community benefit agreements received.

Subp. 8. **Community benefit agreement: preliminary determination.**

A. The commissioner must make a preliminary determination regarding whether to enter into a community benefit agreement with the owner or operator of a stationary source before public notice for the draft permit.

B. If the commissioner makes a preliminary determination to enter into a community benefit agreement with the owner or operator of a stationary source, the community benefit agreement must not be entered into by the commissioner until after the draft permit public notice and comment period required under part 7007.0850, subpart 2.

Subp. 9. **Community benefit agreement; requirements.**

A. The commissioner must enter into a community benefit agreement with the owner or operator of a stationary source if the information considered in item B demonstrates:

(1) the proposed community benefit agreement was prepared in compliance with this part;

(2) the content of the proposed community benefit agreement complies with subparts 3 to 5;

(3) responses to comments prepared by the owner or operator address issues raised during the public notice and comment periods required under part 7007.6080 and during the public participation conducted according to part 7007.6080;

(4) the proposed community benefit agreement addresses issues raised during the public notice and comment periods required under part 7007.6080 and the public participation conducted according to part 7007.6080; and

(5) the proposed community benefit agreement gives priority to benefits that directly impact the residents of the impacted environmental justice area.

B. In determining whether to enter into a community benefit agreement with the owner or operator of a stationary source, the commissioner must consider, at a minimum:

(1) the requested permit action;

(2) the cumulative impacts analysis required under part 7007.6090 conducted by the owner or operator for the requested permit action;

(3) the substantial adverse impact identified under part 7007.6100;

(4) the proposed community benefit agreement submitted under subpart 7;

(5) comments received during the public participation required under part 7007.6080; and

(6) the owner's or operator's responses to comments received during the public notice and comment periods required under part 7007.6080.

C. If the community benefit agreement does not meet the requirements of item A, the owner or operator must:

(1) provide additional information to demonstrate that the community benefit agreement meets the requirements of item A; or

(2) revise the community benefit agreement, based on information considered in item B, so that it meets the requirements of item A.

Subp. 10. **Documenting preliminary determination.** The commissioner must prepare a written document containing the reasons for the commissioner's preliminary determination regarding whether to enter into a community benefit agreement with the owner or operator of a stationary source. The document must describe the information that was considered in making the decision and how the information was weighed. The commissioner must post the preliminary determination document and a document describing any changes made to the proposed community benefit agreement on the agency website within 30 calendar days after making the preliminary determination.

7007.6115 MODIFYING COMMUNITY BENEFIT AGREEMENTS.

Subpart 1. **Modifying a community benefit agreement; extensions of time.**

A. An owner or operator of a stationary source that enters into a community benefit agreement with the commissioner may request an extension of time for a schedule contained in the community benefit agreement by submitting a written request to the commissioner. The request must:

(1) be submitted at least 30 calendar days before the date specified in the schedule;

(2) include a description of the time extension requested; and

(3) specify the reason and include evidence that supports why the extension of time is needed.

B. An owner or operator may receive an extension of time for a schedule contained in the community benefit agreement if the request:

(1) complies with this subpart; and

(2) demonstrates good cause for an extension of time for a schedule contained in the community benefit agreement. For the purposes of this subpart, "good cause" means a reason for the owner's or operator's inability to comply with a schedule contained in the community benefit agreement due to circumstances that are beyond the owner's or operator's control or that are not foreseeable.

C. A request for an extension of time under item A is not effective unless the commissioner gives written approval for the extension. In determining whether to approve the extension, the commissioner must determine whether good cause exists based on the weight of the evidence submitted by the owner or operator to demonstrate good cause.

Subp. 2. **Modifying a community benefit agreement; other changes.**

A. An owner or operator of a stationary source that enters into a community benefit agreement with the commissioner may request a change to the community benefit agreement, other than a time extension under subpart 1, by submitting a written request to the commissioner. The request must include:

(1) a description of the change requested;

(2) reasons for modifying the community benefit agreement;

(3) a description of how the owner or operator will comply with the requirements of item C to prepare the modified community benefit agreement; and

(4) a copy of the notice required under item D.

B. The commissioner must review and approve the request under item A before the owner or operator provides notice under item D.

C. If the commissioner does not approve the request under item A, the commissioner must identify any deficiencies, notify the owner or operator of the deficiencies, advise the owner or operator on how to remedy all identified deficiencies, and specify a timeline for resubmitting the request under item A.

D. The owner or operator must provide notice at least 15 calendar days before the public comment period required under subitem (4) to any persons on a mailing list developed under part 7007.6080, subpart 7, item D, and to each person that made a written or oral comment during the public notice and comment periods under part 7007.6080, if the person's address or email is known to the owner or operator. The notice must contain:

(1) a copy of the request under item A;

(2) a statement that the owner or operator is requesting to modify the community benefit agreement;

(3) the reasons for the requested change; and

(4) a statement that the owner or operator must accept written comments for 45 days, specifying the dates the

comment period begins and ends and instructions for submitting comments.

E. Within 30 calendar days after the comment period ends, the owner or operator must submit to the commissioner written responses to all comments.

F. The owner or operator may not implement any requested changes of the community benefit agreement under item A until the commissioner approves the changes according to subpart 3 and enters into a modified community benefit agreement.

G. The commissioner must post the modified community benefit agreement and responses to comments on the agency website. Any person may request to receive notice of a modified community benefit agreement from the commissioner.

Subp. 3. **Modifying community benefit agreements; requirements.**

A. The commissioner must approve the change and enter into a modified community benefit agreement if the information considered in item B demonstrates:

(1) the request and notice to modify the community benefit agreement was prepared in compliance with this part;

(2) the responses to comments prepared by the owner or operator address issues raised during the comment period required under subpart 2, item D, subitem (4); and

(3) the modified community benefit agreement addresses issues raised during the public comment period required under subpart 2, item D, subitem (4).

B. In determining whether to approve the requested change to a community benefit agreement, the commissioner must consider, at a minimum:

(1) the request to modify the community benefit agreement;

(2) the notice, if applicable, required under subpart 2, item D;

(3) comments received during the comment period required under subpart 2, item D, subitem (4); and

(4) the owner's or operator's responses to comments received during the comment period required under subpart 2, item D, subitem (4).

7007.6120 PERMIT DECISIONS.

Subpart 1. **Agency review and decision.**

A. In determining whether to issue or deny a requested permit action, the commissioner must:

(1) determine whether a cumulative impacts analysis is required for the requested permit action according to part 7007.6070;

(2) if a cumulative impacts analysis is required, determine whether issuing the requested permit action would have a substantial adverse impact under part 7007.6100; and

(3) if issuing the requested permit action would have a substantial adverse impact under part 7007.6100, determine whether to enter into a community benefit agreement according to part 7007.6110.

B. If a cumulative impacts analysis is required under parts 7007.6000 to 7007.6120, the commissioner must consider the cumulative impacts analysis conducted, comments received during the public meetings and associated comment periods required under part 7007.6080, and the owner's or operator's response to those comments in determining whether to issue or deny the requested permit action.

C. If the commissioner determines that issuing the requested permit action would have a substantial adverse

impact under part 7007.6100, the commissioner must deny the requested permit action unless the commissioner enters into a community benefit agreement according to part 7007.6110 with the owner or operator of the stationary source.

D. If the commissioner enters into a community benefit agreement according to part 7007.6110 with the owner or operator of the stationary source, the commissioner may issue the requested permit action that imposes conditions on the construction and operation of the stationary source to protect public health and the environment.

Subp. 2. **Prohibitions.**

A. If a cumulative impacts analysis is not required for a requested permit action subject to parts 7007.6000 to 7007.6120, before the commissioner issues a negative determination on the need for a cumulative impacts analysis under part 7007.6070:

(1) the owner or operator must not begin actual construction and operation of a stationary source or modification of a stationary source; and

(2) the commissioner must not take a final agency action on the requested permit action.

B. If a petition for a cumulative impacts analysis is filed under part 7007.6060 that complies with part 7007.6060, subparts 1 to 3, the owner or operator must not begin actual construction or operation of a stationary source or modification of a stationary source and the commissioner must not take a final agency action on the requested permit action until:

(1) a petition for a cumulative impacts analysis is voided; or

(2) a negative determination on the need for a cumulative impacts analysis under part 7007.6070 considering the petition, is issued.

C. If a cumulative impacts analysis is required for a requested permit action under part 7007.6090, the owner or operator must not begin actual construction or operation of a stationary source or modification of a stationary source and the commissioner must not take a final agency action on the requested permit action until:

(1) the commissioner issues a negative determination of substantial adverse impact; or

(2) a community benefit agreement, if required under part 7007.6110, is signed by all parties to the agreement.

D. If a cumulative impacts analysis is required for a requested permit action under part 7007.6090, the commissioner may issue the requested permit action no earlier than 30 calendar days after the last public meeting held under part 7007.6080.

Minnesota Pollution Control Agency (MPCA)

Environmental Analysis and Outcomes Division

Proposed Permanent Rules Relating to Air Toxics Regulations; Notice of Intent to Adopt Rules with a Hearing

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

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

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

you in any way, the MPCA encourages you to participate in the rulemaking process.

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

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

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

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

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

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

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

Monday, October 5, 2026 Web link: ***Webex Meeting Link***

- Meeting Number for October 5, 2026 at 6:30 pm (access code): # 2483 307 5370
- Password for Oct. 5: # xfHHTYMP633 (93448967 when dialing from a phone or video system)

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

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

Tuesday, October 6, 2026 Web link: ***Webex Meeting Link***

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

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

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

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

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

Administrative Law Judge. Administrative Law Judge James Mortenson will conduct the hearings. The judge can

be reached by contacting William Moore, Rules Coordinator, Court of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7893, and william.t.moore@state.mn.us.

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

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

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

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

- New rule language for Minn. R. ch. 7012.0050, Applicability to add language around the applicability and scope of the new chapter 7012.
- New rule language for Minn. R. ch. 7012.0055, Definitions to add language about terms used throughout chapter 7012.
- New rule language for Minn. R. ch. 7012.0060, Exemptions by Permit Type to add language around permit types that are exempt from chapter 7012 and certification related to one of the Items listed in this part.
- New rule language for Minn. R. ch. 7012.0070, Other Exemptions to add language around other exemptions from a screening threshold analysis that do not pertain to permit type.
- New rule language for Minn. R. ch. 7012.0140, Certifying Submissions to add language around certifying all submissions throughout the new chapter.
- New rule language for Minn. R. ch. 7012.0150, Air Toxics Screening Thresholds to add language around the screening threshold requirement, screening threshold exceedance for existing air toxics facility, and screening threshold exceedance for new permit applications.
- New rule language for Minn. R. ch. 7012.0160, Repeated Air Toxics Screening Threshold Analysis to add language around applicable air toxics facilities, timeline for certification submittal, exemptions, and certification submittal requirements related to repeated air toxics screening threshold analysis.
- New rule language for Minn. R. ch. 7012.0170, Additional Screening Threshold Analysis to add language around conditions for conducting an additional screening threshold analysis, the notification of an additional screening threshold analysis, and the termination of eligibility for an exemption.

- New rule language for Minn. R. ch. 7012.0200, Air Toxics Screening Threshold Analysis; Submission Deadlines and Certification to add language around the screening threshold analysis certification deadline for all air toxic facilities and the content required in the certification.
- New rule language for Minn. R. ch. 7012.0300, Air Toxics Screening Threshold Values to add language about the hourly and annual screening threshold values incorporated by reference, and the petition process to add, delete, or modify a screening threshold.
- New rule language for Minn. R. ch. 7012.0400, Air Toxics Screening Threshold Analysis; Method of Calculation to add language around the information needed to complete the screening threshold analysis, how to calculate emissions, and exempt emission sources.
- New rule language for Minn. R. ch. 7012.0450, Compliance Determination Protocol to add language on when a compliance determination protocol is required, the content of the protocol, deadline for submittal, and reporting of deviation reports.
- New rule language for Minn. R. ch. 7012.0500, Revising Compliance Determination Protocols to add language around when either an air toxics facility or an agency initiates the compliance determination protocol revision.
- New rule language for Minn. R. ch. 7012.0530, Modeling Required to add language when modeling is required to show compliance with screening threshold values.
- New rule language for Minn. R. ch. 7012.0550, Air Emissions Risk Analysis Protocol to add language around when an Air Emissions Risk Analysis protocol is required, the content of the protocol, protocol approval or disapproval, and resubmitting a protocol.
- New rule language for Minn. R. ch. 7012.0555, Submission Deadlines; Air Emissions Risk Analysis Protocol to add language around AERA protocol deadlines for existing air toxics facilities and application for new air toxics facilities.
- New rule language for Minn. R. ch. 7012.0558, Incorporation by Reference; Air Emissions Risk Analysis to add references used throughout the AERA process.
- New rule language for Minn. R. ch. 7012.0560, Air Emissions Risk Analysis Report to add language around the report content, acceptable risk levels, use of a previously completed analysis, permit amendment required, approval or disapproval of a report, and resubmitting a report.
- New rule language for Minn. R. ch. 7012.0565, Air Emissions Risk Analysis Report; Submission Deadlines to add language around AERA report deadlines for existing air toxics facilities and new air toxics facilities.
- New rule language for Minn. R. ch. 7012.0568, Notification to Potentially Impacted Residents language to add requirements for providing notice to potentially impacted residents when acceptable risk levels are exceeded and an ATRP is developed, the content and timelines for notices, and records required for notices.
- New rule language for Minn. R. ch. 7012.0570, Air Toxics Reduction Plan to add language around when an air toxics reduction plan is required, submittal and content of plan, approval of plan, notification of ATRP resubmittal, ambient air monitoring, permit amendment requirement, reporting, and alternative to ATRP.
- New rule language for Minn. R. ch. 7012.0600, Record Keeping to add language around requirements to keep records, additional records for conditionally insignificant activities, calculating conditionally insignificant activities air toxics emissions, environmental justice area status, inventory of emission points, and facility inspections.
- New language for Minn. R. ch. 7012.0650, Ambient air monitoring requirements to add the applicability of completing ambient air monitoring, contents of an air monitoring plan, air monitoring plan approval, and submitting information on air monitoring eligibility.

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

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

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

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

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

Submit written comments to the Administrative Law Judge via the ***Court of Administrative Hearings Rulemaking eComments website (https://mn.gov/oah/forms-and-filing/ecomments/)***. All evidence that you present should relate to the proposed rules. If the proposed rules affect you in any way, the agency encourages you to participate.

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

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

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

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

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

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

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

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

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

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

Date: April 30, 2026

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

7007.0100 DEFINITIONS.

[For text of subparts 1 to 6b, see Minnesota Rules]

Subp. 6c. **Air toxics facility.** "Air toxics facility" has the meaning given in part 7012.0055, subpart 8.

Subp. 7. **Applicable requirement.** "Applicable requirement" means all the following as they apply to emissions units in a stationary source (including requirements that have been promulgated or approved by the EPA or the commissioner through rulemaking at the time of issuance but have future effective compliance dates):

[For text of items A to V, see Minnesota Rules]

W. any standard or other requirement established under section 110(a)(2)(D)(i)(I) of the Clean Air Act that regulates interstate transport of pollutants; ~~and~~

X. any standard or other requirement of Minnesota Statutes, section 116.385, the White Bear Area Neighborhood Concerned Citizens Group Ban TCE Act, banning the use of trichloroethylene (TCE) on or after June 1, 2022, and prohibiting the commissioner from issuing a permit after January 1, 2022, that authorizes the use of TCE; and

Y. any standard or other requirement regulating an air toxic under chapter 7012.

[For text of subparts 7a to 29, see Minnesota Rules]

7007.1100 GENERAL PERMITS.

[For text of subparts 1 to 10, see Minnesota Rules]

Subp. 10a. **Ineligibility for general permit.** An owner or operator must apply for a part 70, state, capped, or registration permit option within 120 days of the commissioner's written request for the application if the commissioner determines that:

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

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

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

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

E. alterations or modifications to the permitted facility will result in or have the potential to result in alteration

of the nature or quantity of regulated air pollutants to be emitted by the permittee such that the permittee is no longer eligible for the permit it holds; or

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

[For text of subpart 11, see Minnesota Rules]

7007.1125 REGISTRATION PERMIT OPTION C.

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

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

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

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

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

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

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

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

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

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

(2) calculating an estimated monthly average for normal operations~~.~~; and

F. for a stationary source that is an air toxics facility and emits air toxics from VOC-containing materials, the air toxics screening threshold certification required under part 7012.0200, subpart 1, for applications received after the effective date of chapter 7012.

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

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

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

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

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

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

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

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

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

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

7007.1130 REGISTRATION PERMIT OPTION D.

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

[For text of item A, see Minnesota Rules]

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

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

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

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

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

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

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

H. for a stationary source that is an air toxics facility, the air toxics screening threshold certification required

under part 7012.0200, subpart 1, for applications received after the effective date of chapter 7012.

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

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

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

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

Subp. 3a. **Compliance requirements for low-emitting sources.** If the actual emissions for the previous calendar year of each pollutant are less than the emission eligibility limits for each pollutant listed in item F, then the owner or operator must comply with items A to ~~H~~ I and subparts 6 to 9.

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

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

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

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

A. comply with the requirements of part 7007.1110; and

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

7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.

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

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

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

Subp. 2. **Ineligible sources.**

[For text of item A, see Minnesota Rules]

B. A stationary source may not obtain a capped permit if air quality specific conditions or limits not contained in parts 7007.1140 to 7007.1148 were assumed:

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

(2) in obtaining a negative declaration in an environmental assessment worksheet; ~~or~~

(3) in demonstrating compliance with any state or national ambient air quality standards; or

(4) in demonstrating compliance with any screening threshold values in part 7012.0300, subpart 1, or

acceptable risk levels in part 7012.0560, subpart 3.

[For text of items C to E, see Minnesota Rules]

7007.1145 CAPPED PERMIT APPLICATION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Information required.** This subpart describes the standard information that is required in a capped permit application. This subpart does not limit the agency's statutory authority for requiring information in addition to that which is specifically listed. Applicants must submit the following information as required by the standard application form:

[For text of items A to G, see Minnesota Rules]

H. For a stationary source that is an air toxics facility, the air toxics screening threshold certification required under part 7012.0200, subpart 1.

[For text of subpart 3, see Minnesota Rules]

7007.1146 CAPPED PERMIT; COMPLIANCE REQUIREMENTS.

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

A. comply with parts 7007.1140 to 7007.1148;

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

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

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

~~D.~~ E. for the sum of actual NO_x emissions from the stationary source in a calendar year determined under this part, not exceed the estimated future annual NO_x emissions in units of tons per year used to comply with part 7007.1148; and

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

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

Where: n = number of months in operation;

N = emission limit through month n; or

(2) P = L/12

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

P = emission limit for each month.

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

[For text of subpart 2, see Minnesota Rules]

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

[For text of item A, see Minnesota Rules]

B. if the change results in increased SO_2, NO_x, or PM-10 emissions, demonstrate, using a method in part 7007.1148, that ambient air quality standards will continue to be met after the change is made; ~~and~~

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

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

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

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

7012.0050 APPLICABILITY; OTHER LAW.

This chapter applies to the owner or operator of an air toxics facility located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County, unless exempted under part 7012.0060 or 7012.0070. Unless otherwise specified in this chapter, this chapter and chapters 7002, 7005, 7007, 7008, 7017, and 7019 are to be construed to complement each other.

7012.0055 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subp. 20. **Farmer cancer multipathway risk.** "Farmer cancer multipathway risk" means the cancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown produce, drinks home-produced milk, and eats homegrown meat products, including eggs, that could be affected by a stationary source's emissions.

Subp. 21. **Farmer noncancer multipathway risk.** "Farmer noncancer multipathway risk" means the noncancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown produce, drinks home-produced milk, and eats homegrown meat products, including

eggs, that could be affected by a stationary source's emissions.

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

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

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

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

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

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

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

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

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

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

Subp. 32. **Resident cancer multipathway risk.** "Resident cancer multipathway risk" means the cancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person who inhales air, incidentally ingests soil, and ingests homegrown produce that could be affected by a stationary source's air emissions.

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

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

air emissions risk analysis.

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

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

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

Subp. 38. **Urban gardener cancer multipathway risk.** "Urban gardener cancer multipathway risk" means the cancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person who inhales air, incidentally ingests soil, ingests homegrown produce, and eats home-raised chicken eggs that could be affected by a stationary source's emissions.

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

7012.0060 EXEMPTIONS BY PERMIT TYPE.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the air emissions risk analysis report:

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

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

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

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

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

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

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

7012.0100 COMPLETE SUBMISSIONS.

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

7012.0140 CERTIFYING SUBMISSIONS.

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

7012.0150 AIR TOXICS SCREENING THRESHOLD ANALYSIS.

Subpart 1. **Screening threshold requirement.**

A. Except as provided in parts 7012.0060 and 7012.0070, an owner or operator of an air toxics facility must ensure that hourly and annual emissions are at or below the screening threshold values in part 7012.0300, subpart 1, for a given stack and fugitive emission sources with specific emission rates. Except as provided in item B, an analysis must be

performed according to parts 7012.0300 and 7012.0400. The results of the analysis must be certified to the commissioner according to part 7012.0200.

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

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

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

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

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

7012.0160 REPEATED AIR TOXICS SCREENING THRESHOLD ANALYSIS.

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

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

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

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

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

B. follow the calculation methods under part 7012.0400.

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

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

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

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

7012.0170 ADDITIONAL SCREENING THRESHOLD ANALYSIS.

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

A. the commissioner receives information that parameters used in the previous air toxics screening threshold analysis or an air emissions risk analysis do not accurately represent the air toxics facility's operations used to establish:

(1) an exemption under part 7012.0070; or

(2) the results reported to the commissioner under part 7012.0200 or 7012.0560;

B. alterations or modifications to the air toxics facility will result in or have the potential to result in an increase in the amount of one or more air toxics emitted or the addition of an air toxic emitted by the air toxics facility;

C. the air toxics facility has not conducted an air toxics screening threshold analysis or an air emissions risk analysis for an air toxic for which screening threshold values have been newly established or updated since the last analysis;

D. data from additional risk-based determinations under subitems (1) to (4) demonstrate possible exceedances of screening threshold values established in part 7012.0300, subpart 1, or acceptable risk levels established in part 7012.0560, subpart 3:

(1) the agency's analysis of air emissions data, known as MNRISKS;

(2) a cumulative impacts analysis under part 4410.4300 or 4410.4400; Minnesota Statutes, section 116.07, subdivision 4a; or other applicable law and regulations;

(3) an air emissions risk analysis; or

(4) an equivalent risk-based determination;

E. the air toxics facility moves operations from the location of its previous screening threshold analysis; or

F. the air toxics facility cannot provide proof of previously conducting a screening threshold analysis.

Subp. 2. **Notification of required additional analysis.**

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

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

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

(1) consider the information provided; and

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

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

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

Subpart 1. **Certification deadline.**

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

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

Permit type	Initial air toxics screening threshold analysis certification due
Individual state permit under part 7007.0200	1 year after the effective date of this chapter
Individual federal permit under part 7007.0250	1 year after the effective date of this chapter
Capped permit under part 7007.1140	2 years after the effective date of this chapter
General permit under part 7007.1100	2 years after the effective date of this chapter
Registration permit option C under part 7007.1125, unless exempted under part 7012.0060	3 years after the effective date of this chapter
Registration permit option D under part 7007.1130	3 years after the effective date of this chapter

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

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

E. An owner or operator of an air toxics facility with a registration permit option C under part 7007.1125 that no longer qualifies as exempt under part 7012.0060, subpart 1, item C, subitem (2), relating to air toxics emissions from VOC-containing material use, must conduct an air toxics screening threshold analysis and submit the certification within one year of the due date for the air emission inventory report under chapter 7019 that includes the VOC-containing materials use.

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

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

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

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

D. the information required under part 7012.0140.

7012.0300 AIR TOXICS SCREENING THRESHOLD VALUES; INCORPORATION BY REFERENCE.

Subpart 1. **Hourly and annual screening threshold values.** The electronic spreadsheet Screening Threshold for Regulated Air Toxics Analysis (STRATA) is provided by the commissioner and must be used when conducting a screening threshold analysis to identify the annual and hourly screening threshold values for each air toxic by stack height and distance to property line. The STRATA electronic spreadsheet is incorporated by reference, is not subject to

frequent change, and is available on the agency's website at https://www.pca.state.mn.us/get-engaged/incorporations-by-reference.

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

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

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

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

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

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

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

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

Subp. 3. **Hourly emissions.**

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

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

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

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

(2) required by an existing permit; or

(3) integral to the process.

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

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

(2) required by an existing permit; or

(3) integral to the process.

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

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

A. emergency generators;

B. fire pumps;

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

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

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

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

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

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.

7012.0450 COMPLIANCE DETERMINATION PROTOCOL.

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

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

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

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

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

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

C. 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;

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

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

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

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

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

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

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

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

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

7012.0500 REVISING COMPLIANCE DETERMINATION PROTOCOLS.

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

A. 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;

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

C. screening threshold values are updated or removed.

Subp. 2. **Agency-initiated revision.** Except when an owner or operator submits a permit application that includes

requirements that would otherwise be incorporated into a compliance determination protocol, the commissioner must require an updated compliance determination protocol for a facility when:

A. 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;

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

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

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

7012.0530 MODELING REQUIRED.

If the owner or operator of a facility is not able to provide evidence of remaining at or below screening threshold values by submitting a compliance determination protocol, the owner or operator must submit a protocol for an air emissions risk analysis according to parts 7012.0550 and 7012.0555. The deadline to submit a protocol for an air emissions risk analysis is as provided under part 7012.0450, subpart 3. The owner or operator may not extend the deadline to submit an air emissions risk analysis protocol by first submitting a compliance determination protocol.

7012.0550 AIR EMISSIONS RISK ANALYSIS PROTOCOL.

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

Subp. 2. **Required content.**

A. The air emissions risk analysis protocol must contain:

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

(2) 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;

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

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

(b) test data referenced;

(c) relevant averaging times for each pollutant; and

(d) potential to emit calculations; and

(4) meteorological data and computer dispersion modeling files from the AMS/EPA Regulatory Model.

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

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

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

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

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

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

C. specify the deadline for resubmitting the protocol; and

D. establish a schedule for resubmitting supplemental information.

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

7012.0555 AIR EMISSIONS RISK ANALYSIS PROTOCOL; SUBMISSION DEADLINES.

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

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

7012.0558 INCORPORATIONS BY REFERENCE; AIR EMISSIONS RISK ANALYSIS.

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

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

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

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

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

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

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

Subp. 2. **Air quality dispersion modeling.** For air quality dispersion modeling under part 7012.0560, subpart 1, item H, the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD), United States Environmental Protection Agency (November 2024 and as subsequently amended), is incorporated by reference,

is subject to frequent change, and is available at https://www.epa.gov/scram.

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

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

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

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

7012.0560 AIR EMISSIONS RISK ANALYSIS REPORT.

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

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

(1) each of the following acceptable risk levels:

(a) cancer risk;

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

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

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

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

(3) air dispersion modeling output information from the AMS/EPA Regulatory Model, including:

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

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

(c) monthly averaging over five years of the most recent meteorological data; and

(d) annual average for each year of the five years of the most recent meteorological data; and

(4) calculation methods, in a format approved by the commissioner, for estimating the inhalation, multipathway, and endpoint risk using the hierarchy for inhalation health benchmarks in item G;

B. a checklist of all necessary air emissions risk analysis supporting documents, including facility information, the reason for completing an air emissions risk analysis, required air emissions risk analysis forms, required permit forms, and tools for estimating risk;

C. facility information; a project description; general neighborhood information; exposure information; and maps of sensitive receptors, nearby permitted air emissions facilities, zoning, land use, farming locations, and fishable water bodies;

D. a list of modeling files, detailed modeling descriptions, an air emissions risk analysis emissions source summary, a meteorological data summary, a terrain and geospatial summary, and a building summary;

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

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

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

(1) the Department of Health:

(a) health-based values;

(b) risk assessment advice; or

(c) volatile organic compound inhalation toxicity values;

(2) Integrated Risk Information System values;

(3) provisional peer-reviewed toxicity values;

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

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

(6) national ambient air quality standards;

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

I. potential to emit calculations;

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

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

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

(3) a narrative description of the preclusion measures;

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

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

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

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

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

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

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

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

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

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

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

Subp. 3. **Acceptable risk levels.** 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;

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

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

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

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

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

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

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

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

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

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

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

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

C. establish a schedule for resubmitting necessary information; and

D. specify the deadline for resubmitting the report.

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

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

7012.0565 AIR EMISSIONS RISK ANALYSIS REPORT; SUBMISSION DEADLINES.

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

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

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

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

C. An owner or operator that submits a complete application more than three years after the effective date of this chapter must include a complete air emissions risk analysis report according to part 7012.0560 with the permit application. The air emissions risk analysis report must show compliance with acceptable risk levels under part 7012.0560, subpart 3.

7012.0568 NOTIFICATION TO POTENTIALLY IMPACTED RESIDENTS.

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

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 where risk estimates are equal to 90 percent of acceptable risk levels; and

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

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

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

B. a list of air toxics targeted for reductions;

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

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

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

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

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

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

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

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

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

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

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

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

7012.0570 AIR TOXICS REDUCTION PLAN; REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. any updated plan remains subject to commissioner approval.

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

Subp. 7. **Reporting.**

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

B. Progress reports must be submitted at least every six months, by July 30 and January 30, until the air toxics

reduction plan has been incorporated into the facility's permit. The progress reports must contain the deadlines for achieving the activities, milestones, or compliance required in the air toxics reduction plan and dates when the activities, milestones, or compliance were achieved. The report must:

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

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

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

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

Subp. 8. **Alternative to air toxics reduction plan.** If the owner or operator of an air toxics facility initially models air toxics emissions' impacts above acceptable risk levels under part 7012.0560, subpart 3, but can achieve and remain at or below the screening threshold values under part 7012.0300, subpart 1, through taking restrictive actions or making operational changes, the owner or operator may submit a compliance determination protocol under part 7012.0450 as part of the completed air emissions risk analysis in lieu of an air toxics reduction plan under this part. The compliance determination protocol is due within one year after the air emissions risk analysis report is approved.

7012.0600 RECORD KEEPING.

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

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

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

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

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

(3) if an owner or operator assumes a reduction of air toxics emissions due to recycling or disposing of material off site, records of the amount of disposed material, the amount of material shipped off site for recycling, the air toxics content shipped off site for recycling, and the calculations done to determine the amount of air toxics to subtract. Acceptable records include the SDSs, invoices, shipping papers, and hazardous waste manifests.

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

(1) the air toxics emissions using the method in subpart 3;

(2) the calculation used to arrive at the total for each air toxic emission under subitem (1); and

(3) a list of the associated emissions units in which the material was used.

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

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

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

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

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

A. the location of the emission points;

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

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

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

7012.0650 AMBIENT AIR MONITORING REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. either:

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

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

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

TERM CHANGE. The term “owner and operator” is changed to “owner or operator” wherever it appears in Minnesota Rules, chapter 7007.

Expedited Rules

The Minnesota Legislature allows for some agencies to use an expedited rulemaking process. Expedited rulemaking allows state agencies to adopt, amend or repeal rules faster than the standard process, generally without a public hearing. The agency must publish notice of the proposed rule in the State Register and must mail the notice by United States mail or electronic mail to persons who have registered with the agency to receive mailed notices (*Minnesota Statutes* §*14.389*). There must be a 30-day comment period after the notice is published in the *State Register.*

Before publication of the final rule in the *State Register*, the agency must submit the rule to an administrative law judge in the Court of Administrative Hearings. The administrative law judge shall within 14 days approve or disapprove the rule as to its legality and its form to the extent the form relates to legality. If the final rule is approved by the administrative law judge, it can then be published in the *State Register.* The rule is effective upon publication in the *State Register* (*Minnesota Statutes* §*14.389*).

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Office of Emergency Medical Services

Proposed Expedited Permanent Rule Modifying Emergency Medical Services Application Requirements; Notice of Intent to Adopt Expedited Rules without a Public Hearing

Proposed Rules Relating to Content of Applications, *Minnesota Rules*, Chapter 4690.0200; Revisor's ID Number R-5009

Introduction. The Minnesota Office of Emergency Medical Services intends to adopt rules under the expedited rulemaking process following the rules of the Court of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until **4:30 p.m. on June 18, 2026.**

Subject of Rules. The proposed expedited rules, make adjustments and clarifications to the required contents of specific types of agency licensure applications. The rule change as proposed separates the requirements for initial agency licensure applications, expansion applications, and level of service change applications from the requirements for renewal applications. These changes reduce unnecessary administrative burden for ambulance services and remove requirements to submit duplicative information that is already on file with the office.

Statutory Authority. The statutory authority to adopt these rules is Minnesota Statute 144E.011 subd. 3 (1) and Minnesota Statute 144E.16 subd. 4 (1).

The statutory authority to adopt the rules under the expedited rulemaking process is Minnesota Statute 144E.011 subd. 3 (1).

Publication of proposed rules. A copy of the proposed rules is published in the *State Register* and attached to this notice as emailed. The proposed expedited rules may be viewed at: ***https://www.mn.gov/oems***

Agency Contact Person. The agency contact person is Dylan Ferguson at Office of Emergency Medical Services, 335 Randolph Ave Suite 170, St Paul MN 55102, 651-201-2806, and ***dylan.ferguson@state.mn.us***. You may contact the agency contact person with questions about the rules.

Public Comment. You have until **4:30 p.m. on June 18, 2026**, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules.

Your comment must be in writing and received by the agency contact person by the due date. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Submit written comment to the agency contact person listed above, by U.S. Mail delivered to the Office of Emergency Medical Services, 335 Randolph Ave Suite 170, Saint Paul, Minnesota 55102, or by email at ***Dylan.Ferguson@state.mn.us***.

All comments or responses received are public data and will be available for review at the Office of Emergency Medical Services

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*.

Adoption and Review of Rules. The Office of Emergency Medical Services (OEMS) may adopt the rules at the end of the comment period. OEMS will then submit rules and supporting documents to the Court of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

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

Date: 05/12/2026

Dylan J Ferguson
Director, Office of Emergency Medical Services

4690.0200 CONTENTS OF ~~ALL~~ APPLICATIONS.

Subpart 1. **Specific information required for new service, primary service area expansion, or change to type of service.** An application for ~~license renewal, or for~~ licensure of a new service, expansion of primary service area, ~~change of base of operation,~~ or change in type of service provided must be made on a form provided by the ~~board~~ director and must include, at a minimum, the following categories of information to allow a determination of compliance with the requirements of Minnesota Statutes, sections 144E.001 to ~~144E.17~~ 144E.16 and 144E.30 and to provide sufficient information for local and regional reviews prescribed in Minnesota Statutes, section 144E.10:

[For text of items A and B, see Minnesota Rules]

C. the names, addresses, and telephone numbers of the ~~medical adviser or~~ medical director of the service and the base hospital or affiliated medical facility, if any, for the service;

D. the name, location, and telephone number of the ~~communications base~~ primary provider of dispatch

services and a description of the communications equipment on the licensee›s ambulances ~~and at its communications base~~;

E. whether the application is for a new license, ~~license renewal,~~ expansion of primary service area, ~~change of base of operations,~~ or change in type of service provided;

[For text of item F, see Minnesota Rules]

G. the type and identification of the entity responsible for operation of the service, if different from ownership;

H. ~~backup coverage, including reserve ambulances owned by applicant, backup services, and~~ copies of signed mutual aid agreements and any staffing agreements with neighboring providers;

[For text of items I and J, see Minnesota Rules]

K. the type of service to be licensed;

L. ~~actual past and~~ estimated future utilization of the service;

[For text of item M, see Minnesota Rules]

N. qualifications of personnel, including number ~~of~~ and credentials of attendants and drivers, and ~~names and addresses~~ contact information of key personnel, including telephone number and email address;

[For text of item O, see Minnesota Rules]

P. a description of any proposed new service, ~~change of base of operation,~~ expansion of primary service area, or change in type of service;

[For text of items Q and R, see Minnesota Rules]

Subp. 2. **Other information required.** Applicants submitting an application under this section shall furnish other information that may be needed by the ~~board~~ director to clarify incomplete or ambiguous information presented in the application.

Subp. 3. **Documentation of information.** Applicants submitting an application under this section shall retain in their files documentation of all statements made in applications for licensure.

Subp. 4. **Specific information required for renewal applications.**

A. An application for license renewal must be made on a form provided by the director and must include, at a minimum, the following categories of information:

(1) identification, location, and pertinent telephone numbers for the service and the name of the individual responsible for accuracy of the application;

(2) the addresses of the base of operation and substations;

(3) the names, addresses, and telephone numbers of the medical director of the service and the base hospital or affiliated medical facility, if any, for the service;

(4) the name, location, and telephone number of the primary provider of ambulance dispatch services and a description of the communications equipment on the licensee's ambulances;

(5) the type and identification of ownership;

(6) the type and identification of the entity responsible for operation of the service, if different from ownership;

(7) copies of signed mutual aid agreements and any staffing agreements with neighboring providers;

(8) the type of service to be licensed;

(9) actual past utilization of the service;

(10) certification as to whether the applicant has completed the most recent cost collection report collected by the director pursuant to Minnesota Statutes, section 62J.49;

(11) qualifications of personnel, including number and credentials of attendants and drivers, and contact information of key personnel, including telephone number and email address;

(12) a listing and description of all ambulances to be used by the service; and

(13) certification that the renewal application does not contain any of the following:

(a) a proposed new service;

(b) an expansion of primary service area; or

(c) a change in type of service.

B. If the application contains any of the units listed in subitem (13), the licensee must also submit all of the information required under subpart 1.

Minnesota Office of Emergency Medical Services

Proposed Expedited Permanent Rule Modifying Emergency Medical Services Medication Variances; Notice of Intent to Adopt Expedited Rules without a Public Hearing

Proposed Expedited Permeant Rule Modifying Emergency Medical Services Medication Variances, *Minnesota Rules*, Chapter 4690.8050; Revisor's ID Number 5010

Introduction. The Minnesota Office of Emergency Medical Services intends to adopt rules under the expedited rulemaking process following the rules of the Court of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until **4:30 p.m. on June 18, 2026.**

Subject of Rules. The proposed expedited rules, recommended by the EMS Physician Advisory Council, make changes and adjustments to medications and variances that are available to basic life support ambulances. As proposed these rules eliminate the premeasured requirement for epinephrine administration, allow for a variance to be granted for the administration of orally dissolving ondansetron, and creates a process for the Deputy Director of the Medical Services Division with consultation of the EMS Physician Advisory Council to recommend to the Office of EMS Director future Basic Life Support medication variances when those medications are not administered intravenously (IV). Additionally, as proposed these rules would remove the requirements for a variance for Basic Life Support ambulances for any medication that appears in the National EMS Scope of Practice at the Emergency Medical Technician level. These medications would be able to be administered based solely on protocols or guidelines of an ambulance service medical director.

Statutory Authority. The statutory authority to adopt these rules is Minnesota Statute 144E.011 subd. 3 (1) and Minnesota Statute 144E.16 subd. 4 (4).

The statutory authority to adopt the rules under the expedited rulemaking process is Minnesota Statute 144E.011 subd. 3 (1).

Publication of proposed rules. A copy of the proposed rules is published in the *State Register* and attached to this notice as emailed. The proposed expedited rules may be viewed at: ***https://www.mn.gov/oems***

Agency Contact Person. The agency contact person is Dylan Ferguson at Office of Emergency Medical Services, 335 Randolph Ave Suite 170, St Paul MN 55102, 651-201-2806, and ***dylan.ferguson@state.mn.us***. You may contact the agency contact person with questions about the rules.

Public Comment. You have until **4:30 p.m. on June 18, 2026**, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules.

Your comment must be in writing and received by the agency contact person by the due date. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Submit written comment to the agency contact person listed above, by U.S. Mail delivered to the Office of Emergency Medical Services, 335 Randolph Ave Suite 170, Saint Paul, Minnesota 55102, or by email at ***Dylan.Ferguson@state.mn.us***.

All comments or responses received are public data and will be available for review at the Office of Emergency Medical Services

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*.

Adoption and Review of Rules. The Office of Emergency Medical Services (OEMS) may adopt the rules at the end of the comment period. OEMS will then submit rules and supporting documents to the Court of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

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

Date: 5/12/2026

Dylan J Ferguson
Director, Office of Emergency Medical Services

4690.0100 DEFINITIONS.

[For text of subparts 1 to 11, see Minnesota Rules]

Subp. 11a. **Deputy director of medical services.** "Deputy director of medical services" means the individual appointed by the director to lead the medical services division and who is a licensed physician under Minnesota Statutes, chapter 147.

[For text of subparts 12 and 13, see Minnesota Rules]

Subp. 13a. **Emergency Medical Services Physician Advisory Council.** "Emergency Medical Services Physician Advisory Council" means the advisory council established in Minnesota Statutes, section 144E.035.

[For text of subparts 14 to 38, see Minnesota Rules]

4690.0800 RESTRICTED TREATMENTS AND PROCEDURES.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Drugs.** In addition to oxygen, which is required, basic ambulance services may carry and administer only the following drugs:

A. nonprescription drugs;

B. oral sugar solutions and pharmaceutically prepared oral glucose; ~~and~~

C. after consulting with poison control or medical control~~;~~ or when following standing medical orders set forth by a medical director under Minnesota Statutes, section 144E.265, pharmaceutically prepared oral emetics, including syrup of ipecac, or pharmaceutically prepared stabilizing agents, including activated charcoal~~.~~; and

D. with approval of the medical director, any drug listed in the National EMS Scope of Practice Model incorporated by reference in subpart 6 that is listed as being within the scope of an emergency medical technician. The National EMS Scope of Practice Model does not restrict the medical director from authorizing under this item routes not identified in the model for a specific drug or a medication that is not prescribed to the patient. The medical director must authorize a drug under this item by a standing medical order or guideline that establishes the route or routes of administration and dosage for each authorized medication. A route of administration for a basic life support ambulance licensee is limited to intranasal, intramuscular, subcutaneous, inhalation or nebulizer, sublingual, oral, and topical.

Subp. 5. **Patient assistance.** A basic ambulance service may assist a patient in the administration of the patient's personally prescribed sublingual nitroglycerin, premeasured ~~subcutaneous~~ epinephrine, or beta agonist administered by metered dosed inhalation.

Subp. 6. **Incorporation by reference.** National Highway Transportation Safety Administration "National EMS Scope of Practice Model 2019: Including Change Notices 1.0 and 2.0" (National EMS Scope of Practice Model) (August 2021 and as subsequently amended) is incorporated by reference. The National EMS Scope of Practice Model is available on the Office of Emergency Medical Services website at https://mn.gov/oems/ and is not subject to frequent change.

4690.8300 SPECIFIC VARIANCES.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. **Variance for certain drugs.** The director shall grant a variance to a basic life support ambulance service licensee to carry and to administer ~~beta agonist with or without an anticholinergic by metered dosed inhalation or nebulization, or both; premeasured epinephrine by intranasal or intramuscular route; sublingual nitroglycerin; or premeasured~~ intramuscular, intranasal, or subcutaneous glucagon and orally dissolving ondansetron tablets only if the licensee shows that:

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

[For text of subparts 8 and 9, see Minnesota Rules]

Subp. 10. **Other variances.** The director, upon the recommendation of the deputy director of medical services and after consultation with the Emergency Medical Services Physician Advisory Council, must grant a variance for drugs not listed in subpart 7 if the variance does not violate subpart 9 and the director finds that the issuance of a variance is in the public interest and not detrimental to public health or safety. A basic life support service licensee that is granted a variance under this subpart must comply with all requirements under subparts 7 and 8.

Minnesota Environmental Quality Board

Proposed Expedited Permanent Rules for Environmental Review of Gas Resource Development Projects; Notice of Intent to Adopt Expedited Rules without a Public Hearing

Proposed Expedited Amendments to Rules Governing the Environmental Review Program Addressing Gas Resource Development Projects, *Minnesota Rules*, Chapter 4410, Revisor's ID Number R-04945

Introduction. The Minnesota Environmental Quality Board (EQB) intends to adopt rules under the expedited rulemaking process following the rules of the Court of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until 4:30 pm on Thursday, **July 2**, **2026.**

Plain English Summary. This notice is the EQB's legal notice of its intent to amend the state's environmental review rules. The EQB is proposing expedited rule amendments to require certain gas resource development projects to have an environmental assessment worksheet or environmental impact statement before they are permitted. This notice provides an opportunity for the public to comment on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment on the proposed rules by the deadline identified in this notice. The Subject of the Expedited Rules section provides additional information about the proposed rules. If the proposed rules affect you in any way, the EQB encourages you to participate in the rulemaking process.

Subject of the Expedited Rules. The proposed amendments to Minnesota rules chapter 4410 establish environmental review requirements ("mandatory categories") for gas resource development projects that require permits under Minnesota statute § 93.513 and Minnesota Department of Natural Resources rules adopted under Minnesota statute § 93.514. In 2024, the Legislature required persons who wished to produce gas or oil to first obtain a permit from the Minnesota Department of Natural Resources (DNR). Minn. Stat. § 93.513 (2025). At the same time, the Legislature authorized the EQB to establish new mandatory categories for such projects using the expedited rulemaking process. Minn. Stat. § 93.514(b) (2025).

The proposed rules establish new mandatory categories that require certain gas resource development projects to have an environmental assessment worksheet or environmental impact statement. The proposed rules address projects involving the extraction and production of hydrocarbon and nonhydrocarbon gases and require environmental review of these projects based on their size, location, or particular techniques proposed to produce gas. The proposed rules do not address proposed oil production projects because oil is not known to be located in the state.

Statutory Authority. The statutory authority authorizing EQB to adopt these rules is Minn. Stat. § 116D.04, subd. 5a and Minn. Stat. § 93.514(a)(3). The statutory authority authorizing EQB to adopt the rules under the expedited rulemaking process is Minn. Stat. § 93.514(b).

Availability of Rules. A copy of the proposed rules is published in the State Register after this notice, or they can be viewed on the EQB's rule webpage at ***https://www.eqb.state.mn.us/environmental-review/rules-and-regulations***. A free copy of the proposed rules is also available upon request by contacting the EQB contact person. One copy per request will be sent.

EQB Contact Person. The EQB contact person is Jesse Krzenski at Minnesota Environmental Quality Board, 520 Lafayette Road North, St. Paul, MN 55155, 651-757-2223, and ***jesse.krzenski@state.mn.us***. You may contact the EQB contact person with *questions* about the proposed expedited rule amendments. Comments on the proposed rules must be submitted to the Court of Administrative Hearings using the methods described below. Comments must be received by the Court of Administrative Hearings by the due date.

Alternative Format. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the EQB contact person at the address or telephone number identified above.

Public Comment Process. You have until **4:30 p.m. on July 2, 2026** to submit written comment in support of or in

opposition to the proposed expedited rule amendments and any part or subpart of the proposed rule amendments.

To be considered by the EQB, your comment must be in writing and received by the **Court of Administrative Hearings** by the due date. Your comment should identify the portion of the proposed expedited rule amendments addressed, the reason for the comment, and any change proposed. You must also make any comments that you have on the legality of the proposed rule amendments during this comment period. The EQB encourages comments.

Submit written comments:

1. via the ***Court of Administrative Hearings Rulemaking eComments website (https://mn.gov/oah/forms-and-filing/ecomments/),***
2. U.S. Mail CAH attn: William Moore, CAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the CAH Rulemaking eComments website at ***https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf***. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the CAH at 651-361-7900 or by email at ***william.t.moore@state.mn.us***; please note that you may not submit rulemaking comments by phone or email.

Comments received are public and will be available for review at the CAH Rulemaking eComments website at ***https://minnesotaoah.granicusideas.com/discussions*** and at the CAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

Modifications. The EQB may modify the proposed expedited rules amendments as a result of public comment. The modifications must be supported by comments and information submitted to the EQB, and the adopted rules may not be substantially different than these proposed rules as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c).

The EQB may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110.

If the final rules are identical to the amendments originally published in the *State Register*, the EQB will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the EQB will publish a copy of the changes in the *State Register*.

Adoption and Review of Expedited Rules. The EQB may adopt the rules at the end of the comment period. The EQB will then submit rules and supporting documents to the Court of Administrative Hearings for review for legality. You may ask to be notified of the date that the EQB submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the EQB to receive notice of future rule proceedings, submit your request to the EQB contact person listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

Date: May 4, 2026

Catherine Neuschler
Executive Director

4410.0200 DEFINITIONS AND ABBREVIATIONS.

[For text of subparts 1 to 32, see Minnesota Rules]

Subp. 32a. **Gas.** "Gas" has the meaning given in Minnesota Statutes, section 93.514.

Subp. 32b. **Gas production.** "Gas production" means production, as defined under Minnesota Statutes, section 93.514, of gas.

Subp. 32c. **Gas resource development project.** "Gas resource development project" means an operation that is designed for gas production from consolidated or unconsolidated formations and that is required to hold a permit from the DNR under Minnesota Statutes, section 93.513, and rules adopted by the DNR under Minnesota Statutes, section 93.514.

Subp. 32d. **Gas well.** "Gas well" means a well that is intended for gas production and that is included as part of a gas resource development project.

[For text of subparts 33 to 38, see Minnesota Rules]

Subp. 38a. **High-volume hydraulic fracturing.** "High-volume hydraulic fracturing" means injecting fluid, with or without proppants, into the subsurface under pressure to create fractures within a geologic formation to improve the deliverability and production of gas for a gas resource development project, using a combined total of 100,000 gallons or more of any fluids.

[For text of subparts 39 to 96, see Minnesota Rules]

4410.4300 MANDATORY EAW CATEGORIES.

[For text of subparts 1 to 37, see Minnesota Rules]

Subp. 38. **Gas resource development projects.** Items A to E designate the RGU for the type of project listed:

A. For construction of a gas resource development project designed to include five or more gas wells or expansion of an existing gas resource development project by the addition of five or more gas wells, the DNR is the RGU.

B. For construction of a gas resource development project that is designed to produce gas using horizontal or directional drilling methods beneath an area subject to only surface disturbance siting prohibitions in rules adopted by the DNR, if the target resource for extraction is less than one-quarter mile below the surface, the DNR is the RGU.

C. For construction of a gas resource development project that is designed to produce gas from beneath an area subject to both surface disturbance and directional drilling siting prohibitions in rules adopted by the DNR, the DNR is the RGU.

D. For construction of a gas resource development project that is designed to include one or more class II underground injection wells, as defined in Code of Federal Regulations, title 40, section 144.6(b), for waste disposal, the DNR is the RGU.

E. For construction of a gas resource development project designed to produce gas created by injecting a substance into the subsurface to create or stimulate a chemical reaction, the DNR is the RGU.

4410.4400 MANDATORY EIS CATEGORIES.

[For text of subparts 1 to 28, see Minnesota Rules]

Subp. 29. **Gas resource development projects.** For construction of a gas resource development project designed to use high-volume hydraulic fracturing techniques, the DNR is the RGU.

Expedited Rules

Minnesota Department of Natural Resources

Lands and Minerals Division

Proposed Expedited Permanent Rules for Permitting Gas Resource Development: Notice of Intent to Adopt Expedited Rules without a Public Hearing

Proposed Rules Relating to Gas Resource Development Permitting, Minnesota Rules, parts 6124; Revisor's ID Number R-4995

Introduction. The Minnesota Department of Natural Resources (DNR) intends to adopt rules under the expedited rulemaking process following the rules of the Court of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until **4:30 p.m. on July 2, 2026.**

Subject of the Expedited Rules. The purpose of the proposed rules is to control possible adverse environmental effects of gas resource development, to preserve natural resources, and to encourage the planning of future land utilization, while at the same time promoting the orderly development of gas resources, encouraging of good gas resource development practices, preventing waste, avoiding the drilling of unnecessary wells, protecting the correlative rights of landowners, and recognizing the beneficial aspects of gas resource development. Additionally, pooling and spacing regulations are needed to prevent waste and protect the correlative interests of landowners in a common pool or supply source of gas resources. Under Minnesota Statutes 93.513, an operator must control 100 percent of the extraction area before a permit is issued. Rules are needed that provide the DNR with information necessary to determine a proposed project's extraction area and confirm that the permit applicant controls 100 percent of the mineral interests within the spacing unit that defines the extraction area.

Statutory Authority. The statutory authority to adopt these rules is Minnesota Statutes, section 93.514 (a), item (4). The statutory authority to adopt the rules under the expedited rulemaking process is Minnesota Statutes, section 93.514 (b).

Publication of proposed rules. A copy of the proposed rules is published in the *State Register* and attached to this notice if mailed. The proposed expedited rules may be viewed at: ***https://www.dnr.state.mn.us/input/rules/index.html***.

Agency Contact Person. The agency contact person is Michael Liljegren, at Minnesota Department of Natural Resources, Lands and Minerals Division, 500 Lafayette Road, Saint Paul, MN 55155-4045. You may contact the agency contact person with questions about the rules at the following address: ***GasRulesDNR@state.mn.us***.

Public Comment. You have until **4:30 p.m. on July 2, 2026**, to submit written comment(s) in support of or in opposition to the proposed expedited rules and any part or subpart of the rules.

Your comment must be in writing and received by the agency contact person by the due date. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Submit written comments to:

Michael Liljegren
Assistant Director – Lands and Minerals Division
Minnesota Department of Natural Resources
500 Lafayette Rd Box 45
St. Paul MN 55155
GasRulesDNR@state.mn.us

All comments or responses received are public data and will be available for review at the agency.

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*.

Adoption and Review of Expedited Rules. The DNR may adopt the rules at the end of the comment period. The DNR will then submit rules and supporting documents to the Court of Administrative Hearings for review of legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

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

Date: April 24, 2026

Sarah Strommen
Commissioner

GENERAL PROVISIONS

6124.0100 DEFINITIONS.

Subpart 1. **Applicability.** The terms used in parts 6124.0100 to 6124.5200 have the meanings given in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 3. **Contingency reclamation plan.** "Contingency reclamation plan" means a plan, as described under part 6124.1000, subpart 7, that identifies reclamation activities that will be implemented by the permittee if there is a permanent shutdown.

Subp. 4. **Corrective action.** "Corrective action" means the immediate action that must be taken to correct an observed violation of a gas resource development permit.

Subp. 5. **Correlative rights.** "Correlative rights" means the right of each owner and producer in a common pool or source of supply of gas resources to an equal opportunity to obtain and produce the owner's or producer's just and equitable share of the gas resources underlying the pool or source of supply.

Subp. 6. **Department.** "Department" means the Department of Natural Resources.

Subp. 7. **Financial assurance.** "Financial assurance" means the actions necessary to fulfill the requirements under part 6124.1100.

Subp. 8. **Gas.** "Gas" means both hydrocarbon and nonhydrocarbon gas.

Subp. 9. **Gas resource.** "Gas resource" means an occurrence of gas of economic interest within the Earth's crust that

might be developed in commercial quantities, based on its geologic setting, grade, and volume.

Subp. 10. **Gas resource development.** "Gas resource development" means the process of extracting, producing, treating, or processing gas at a gas resource development location from an identified gas resource.

Subp. 11. **Gas resource development facility or facility.** "Gas resource development facility" or "facility" means improvements used or installed for gas resource development.

Subp. 12. **Gas resource development location.** "Gas resource development location" means a definable area where gas resource development operations have disturbed or may disturb the land surface.

Subp. 13. **Gas resource development operations.**

A. "Gas resource development operations" means:

(1) siting, drilling, deepening, recompleting, reworking, maintaining, or abandoning a gas well;

(2) producing operations related to any gas well, including installing flowlines;

(3) separating and enriching extracted gases, except that separating and enriching extracted gases excludes gas liquefaction facilities that are not colocated with gas resource development facilities;

(4) generating, transporting, storing, treating, or disposing of production wastes, except that transporting does not include using pipelines, common carriers, and public transportation systems to transport material outside a gas resource development location; and

(5) any construction, site preparation, or reclamation activities associated with operations under subitems (1) to (4).

B. Gas resource development operations does not include activities associated with exploratory borings that are regulated under Minnesota Statutes, section 103I.601.

Subp. 14. **Gas resource development permit.** "Gas resource development permit" means approval issued by the commissioner to conduct gas resource development operations, including the production of gas, as required by Minnesota Statutes, section 93.513, subdivision 1.

Subp. 15. **Gas resource development plan.** "Gas resource development plan" means a plan to conduct gas resource development operations that is approved by the commissioner.

Subp. 16. **Gas well.**

A. "Gas well" means an excavation that is constructed, deepened, recompleted, reworked, maintained, or abandoned according to rules established or implemented by the commissioner of health and as part of a gas resource development plan.

B. Gas well does not include exploratory borings regulated under Minnesota Statutes, section 103I.601.

Subp. 17. **Interested party.** "Interested party" means a person with an ownership or leasehold interest in real property or in severed mineral interests associated with a gas resource development plan.

Subp. 18. **Natural resources.** "Natural resources" has the meaning given in Minnesota Statutes, section 116B.02, subdivision 4.

Subp. 19. **Operator.** "Operator" means a person engaged in or preparing to engage in gas resource development

operations under an approved gas resource development plan.

Subp. 20. **Permittee.** "Permittee" means a person who holds a gas resource development permit.

Subp. 21. **Person.** "Person" includes individuals, firms, partnerships, corporations, and other groups.

Subp. 22. **Reclamation.** "Reclamation" means the actions necessary to fulfill the requirements of parts 6124.2200 and 6124.2300.

Subp. 23. **Spacing order.** "Spacing order" means the commissioner's order that allocates lands to a spacing unit.

Subp. 24. **Spacing unit.** "Spacing unit" means lands allocated by the commissioner through a spacing order to a single gas well or multiple gas wells for developing gas resources in accordance with part 6124.5200.

6124.0200 PURPOSE AND POLICY.

A. The purpose of parts 6124.0100 to 6124.5200 is to implement Minnesota Statutes, section 93.513; to control possible adverse environmental effects of gas resource development; to preserve natural resources; and to encourage future land-use planning, while at the same time promoting the orderly development of gas resources, encouraging good gas resource development practices, preventing waste, avoiding drilling unnecessary wells, protecting the correlative rights of landowners, and recognizing the beneficial aspects of gas resource development.

B. To accomplish the purposes of parts 6124.0100 to 6124.5200, it is the policy of the department that gas resource development be conducted in a manner that reduces impacts to the extent practicable, mitigates unavoidable impacts, and ensures that a gas resource development location is left in a condition that protects natural resources.

6124.0300 GENERAL REQUIREMENTS.

Subpart 1. **Permit required.** A person may not conduct gas resource development operations that extract commercial quantities of gas resources in the state without first obtaining a gas resource development permit from the commissioner. All persons with financial and operational decision-making authority over the gas resource development operation must jointly hold the permit, including parent companies.

Subp. 2. **Regulatory oversight of gas wells.** A person conducting gas resource development operations under a permit issued by the commissioner must comply with all requirements established by the commissioner of health for drilling, deepening, recompleting, reworking, maintaining, or abandoning gas wells.

Subp. 3. **Regulatory framework for gas wells required before construction.** A permittee may not construct a gas well pursuant to a gas resource development permit until rules are established by the commissioner of health for the drilling, deepening, recompleting, reworking, maintaining, or abandoning of a gas well or a temporary regulatory framework is established by law for regulating gas wells during that rulemaking.

Subp. 4. **Joint applications.** When two or more persons are or will be engaged in gas resource development operations, all persons must join in the application, and the gas resource development permit must be issued jointly.

Subp. 5. **Other rules, statutes, or ordinances.** Nothing in parts 6124.0100 to 6124.5200 waives the requirements of other applicable rules, statutes, or ordinances of a state or federal agency or political subdivision, including any rules adopted by the commissioner of health relating to the drilling, maintenance, and abandonment of gas wells. All operators must comply with applicable federal, state, and local statutes and regulations, including any rules adopted by the commissioner of health relating to drilling, maintenance, and abandonment of gas wells.

Subp. 6. **Conversion of exploratory borings.** Exploratory borings that were completed before July 1, 2025, may be used for gas resource development operations subject to regulation under this chapter. Exploratory borings completed on or after July 1, 2025, may not be converted into gas wells subject to regulation under this chapter.

PERMIT REQUIREMENTS

6124.1000 PERMIT APPLICATIONS.

Subpart 1. **Preapplication conferences.** Before preparing an application for a gas resource development permit, a person intending to apply for a permit must meet with the commissioner for a preapplication conference. The purpose of the conference is to review proposed gas resource development operations and the proposed spacing unit and to provide direction on preparing an application for gas resource development and demonstrating that the applicant has control of the proposed spacing unit.

Subp. 2. **Application form.** An application for a gas resource development permit must be submitted to the commissioner electronically and in duplicate hard copy.

Subp. 3. **Eligibility.** A permit applicant must submit the following information to the commissioner:

A. a copy of the certificate of authority to transact business in Minnesota if the applicant is a foreign corporation as defined in Minnesota Statutes, section 303.02;

B. a certificate issued by an insurance company authorized to do business in the United States confirming that the applicant has a public liability insurance policy in force for developing gas resources for which the permit is sought, or evidence that the applicant has satisfied other state or federal self-insurance requirements, to provide personal injury and property damage protection in an amount adequate to compensate any persons who might be damaged as a result of the gas resource development operation;

C. documents relating to financial assurance under part 6124.1100;

D. documents relating to a proposed spacing unit under part 6124.5200;

E. documents demonstrating the applicant's mineral leasehold or ownership and right to drill;

F. documents demonstrating one or more surface use agreements specifically authorizing the applicant's surface occupancy and use for gas resource development; and

G. any other information requested by the commissioner that is necessary to determine eligibility for a gas resource development permit.

Subp. 4. **Organizational structure.** The applicant must submit:

A. the mailing address of the applicant;

B. the organizational structure of the applicant, including identification of any parent companies, owners, principal stockholders, partners, and joint venturers;

C. identification of managing agents or subsidiaries that are or may be involved in the gas resource development operation;

D. a description of organizational relationships between or among joint applicants; and

E. identification of the site operator, as applicable, that will be managing day-to-day operations on the applicant's behalf.

Subp. 5. **Environmental and physical setting.** To describe the environmental and physical setting of proposed gas wells and gas resource development locations, the applicant must submit the following information for the proposed spacing unit and areas within 1,320 feet of the proposed spacing unit:

A. maps submitted as static digital images and, where relevant, any geospatial features for:

(1) the areal extent of the gas formation or reservoir, including the general shape of the developable gas resource;

(2) proposed gas wells and gas resource development locations;

(3) proposed access roads and flowlines, including those extending beyond 1,320 feet from the spacing unit;

(4) water wells and surface water features, including basins, watersheds, water courses, floodplains, and wetlands;

(5) the habitat type and any areas designated as habitat for endangered or threatened species or species of concern;

(6) recorded archeological or historic sites;

(7) all known surface and subsurface uses within proposed gas resource development locations;

(8) areas identified under part 6124.2000;

(9) the local zoning ordinance designation and any comprehensive plan land use designation for proposed areas of gas resource development operations; and

(10) parcel or lot boundaries associated with the location and access roads;

B. cross-sectional diagrams that depict:

(1) the horizontal and vertical extent of the developable gas resource that will support the operating life of the project;

(2) wellbore diagrams for each proposed gas well showing its surface location, bottomhole location, geologic formations with lithology, aquifers, total depth, target formation, producing zone, casing strings, production tubing, any perforated casing, and wellhead equipment; and

(3) for each flowline water crossing, identified depths and separation distances from surface water bodies;

C. tables and associated digital tabular data that include:

(1) for each gas well or gas resource development location, the county; township, range, section, and quarter-quarter section; and Universal Transverse Mercator (UTM) coordinates;

(2) for each gas resource development location, the acreage, surface ownership, mineral interest ownership, current land use, and, as applicable, local zoning designation or comprehensive land use planning designation; and

(3) for each water well within the proposed spacing unit, as identified and described by the Minnesota Well Index or comparable database, the unique well identification number, use, well completion depth, aquifer, wellhead coordinates, and any associated data identified by the commissioner; and

D. a copy of any environmental review documents for the project completed before the application is submitted, if applicable.

Subp. 6. **Operations plan.** The permit application must include an operations plan, with associated maps and

geospatial data, that describes:

A. the full life cycle of the gas resource development operations to be conducted;

B. the anticipated raw gas composition, marketable and waste gas streams, on-site enrichment operations, and method of off-site transport to market;

C. the gas enrichment process, including separation, processing, and disposal activities, and type and size of gas enrichment equipment; chemical additives and their storage; and product volumes, storage, and transport frequency;

D. the civil design for each gas resource development location, including layout dimensions, acreages, drainage patterns, stormwater and erosion controls, processing locations, alignments, dimensions, and materials used for access roads and flowlines;

E. the gas resource development locations and equipment proposed in the application, as depicted in a process flow diagram;

F. the water supply for gas well drilling and operations, in compliance with Department of Health rules;

G. the waste streams and their volume, temporary storage, disposal practices, and final disposal site during well drilling and operations, including all formation water, produced water, drilling fluids, drill cuttings, chemicals, fluids, and solid wastes, managed in compliance with state and federal law;

H. the applicant's emergency response plan for gas resource development operations;

I. the methods, sequence, and schedules of decommissioning and monitoring activities, in accordance with part 6124.2300;

J. the lands proposed for use as vegetative reference areas as depicted in a map and a listing of the reference area species;

K. the progressive development and reclamation plan for each gas resource development location;

L. the activities planned during the first year of operation, including all the information required under part 6124.1200, subpart 3;

M. the amount of time required for the applicant to develop the gas resource and complete all reclamation activities; and

N. any other information required by the commissioner to determine compliance with this part.

Subp. 7. **Contingency reclamation plan.** The permit application must include a contingency reclamation plan identifying reclamation activities to be implemented by the permittee if there is a permanent shutdown in the next calendar year, including:

A. methods, sequence, and schedule of reclamation activities that meet the requirements of parts 6124.2200 and 6124.2300;

B. maps and cross sections that depict the reclaimed area, including extent, final contours, cover, and vegetation of each gas resource development location; and

C. cost estimates and financial mechanisms under part 6124.1100 necessary to implement the contingency reclamation plan.

Subp. 8. **Temporary shutdown plan.** The permit application must include a temporary shutdown plan that describes the procedures to be implemented during any pause in production of more than 30 days that is not due to routine maintenance activities. The plan must include:

A. a description of operations, if any, required by the commissioner of health to place producing gas wells into shut-in status;

B. a maintenance plan for the temporary shutdown period that ensures that all gas resource development locations remain secure, stable, and hazard-free;

C. documentation on how the applicant will comply with all permit standards and parts 6124.1000 to 6124.5200 during the shutdown; and

D. a description of the operations necessary to safely restart production.

6124.1100 FINANCIAL ASSURANCE.

Subpart 1. **Purpose.** The purpose of financial assurance is to ensure that there is a source of money to be used by the commissioner if the permittee fails to perform:

A. reclamation activities such as sealing gas wells, decommissioning facilities, and site reclamation if operations cease; and

B. corrective action required by the commissioner if noncompliance with design and operating criteria in the gas resource development permit occurs or to protect human health or the environment.

Subp. 2. **Contingency reclamation cost estimates.**

A. A person intending to develop gas resources must submit, as part of an application for a gas resource development permit or a permit amendment, a current and documented estimate of costs necessary to implement the contingency reclamation plan for gas well sealing and the reclamation of any gas resource development locations upon which the person proposes to conduct gas resource operations. This estimate must include the cost of gas well sealing, gas well abandonment, any site reclamation activities that may be required if operations cease, and annual permit fees.

B. The permittee must annually review and adjust the contingency reclamation cost estimate under part 6124.1000, subpart 7.

C. Cost estimates must be based on the current dollar value at the time of the estimate. The cost estimate must include the cost to the commissioner of administering and hiring a third party to implement the contingency reclamation plan.

D. No salvage value attributed to the sale of facility structures, equipment, land, or other assets may be used for estimating purposes under this subdivision, except if supported by a bid demonstrating salvage value to the satisfaction of the commissioner.

Subp. 3. **Corrective action cost estimates.**

A. If a corrective action is required during implementation of the gas resource development plan to address noncompliance with design and operating criteria or to protect human health or the environment, the permittee must submit to the commissioner a current and documented estimate of costs necessary for completing the required actions.

B. The permittee must annually review and adjust cost estimates for corrective action undertaken according to an approved corrective action plan under part 6124.1200, subpart 4.

C. Cost estimates must be based on the current dollar value at the time of the estimate. The cost estimate must include the cost to the commissioner of administering and hiring a third party to conduct corrective action.

Subp. 4. **Management of financial assurance.**

A. The commissioner must evaluate submitted cost estimates and cost estimate adjustments. If the commissioner determines that the department lacks staff expertise to complete the evaluations, the commissioner must retain a third-party individual who is qualified to evaluate the information and who has experience in extractive industry risk management and financial risk assessment.

B. The permittee must submit financial assurance in the amount equal to the contingency reclamation cost estimate to the commissioner for approval according to this part before a gas resource development permit is issued and before a permit is amended and must continuously maintain the financial assurance. The cost estimate must be annually adjusted as follows:

(1) if the new cost estimate approved by the commissioner is more than the amount of the existing financial assurance, the permittee must provide additional financial assurance in an amount equal to the increase; or

(2) if the new cost estimate approved by the commissioner is less than the amount of the existing financial assurance, the permittee must be released from maintaining financial assurance in an amount equal to the decrease.

C. The permittee must submit financial assurance in the amount equal to the corrective action cost estimate under subpart 3 to the commissioner for approval according to this part and must continuously maintain the financial assurance until the permittee completes the corrective action. The cost estimate must be annually adjusted as follows:

(1) if the new cost estimate approved by the commissioner is more than the amount of the existing financial assurance, the permittee must provide additional financial assurance in an amount equal to the increase; or

(2) if the new cost estimate approved by the commissioner is less than the amount of the existing financial assurance, the permittee must be released from maintaining financial assurance in an amount equal to the decrease.

D. A permittee may cancel financial assurance on approval by the commissioner according to this part only after:

(1) the financial assurance is replaced by an alternate mechanism; or

(2) the permittee is released from financial assurance once the commissioner determines, through inspection of the permitted gas resource development locations, that all reclamation activities have been completed according to the gas resource development permit and any corrective actions have been accomplished.

E. A provider of financial assurance must give the commissioner 120 days' notice before canceling the financial assurance mechanism, and the provider may cancel the financial assurance only after receiving a written response from the commissioner. Upon receiving notice from the provider, the commissioner must take action to access the financial assurance.

F. A provider of financial assurance must have offices located in the United States.

G. A provider of financial assurance must have a credit rating of A- or better according to a large credit rater or provide equivalent evidence of creditworthiness.

H. A financial assurance instrument must not have an expiration date, unless it is automatically renewed.

I. If the gas resource development permit is assigned, the new permittee must be in compliance with this part before the commissioner approves the assignment. Upon the assignee's demonstration of compliance with this part, the former permittee is released from the requirements of this part.

Subp. 5. **Criteria for financial assurance.** Financial assurance for reclamation and for corrective action must align with current best practices and risk-adjusted industry standards and meet the following criteria:

A. funds are sufficient to cover the costs estimated under subparts 2 and 3;

B. funds will be available and made payable to the commissioner when needed;

C. funds are fully valid, binding, and enforceable under state and federal law;

D. funds are not dischargeable through bankruptcy;

E. financial instruments do not include any corporate guarantees unless a guarantee is deemed necessary by the commissioner as an additional layer of assurance beyond the use of bonds, other securities, or other financial assurance mechanisms that meet the criteria in this subpart, and in no case may a corporate guarantee be approved as a stand-alone financial assurance mechanism; and

F. all terms and conditions of the financial assurance are approved by the commissioner as meeting the requirements of this part. The commissioner, in evaluating financial assurance, must use individuals qualified to evaluate the information and with experience in extractive industry risk management and financial risk assessment.

Subp. 6. **Forfeiture of financial assurance.** When an operator is not in compliance with the contingency reclamation plan or the corrective action plan, the financial assurance provider must make financial assurance available to the commissioner upon written notice from the commissioner to the provider and the permittee.

Subp. 7. **Failure to comply.** The commissioner may deny, suspend, revoke, or modify a gas resource development permit if the permittee fails to comply with this part.

6124.1200 ANNUAL REPORT.

Subpart 1. **Report requirements.** By March 31 each year, a permittee must submit an annual report to the commissioner that describes actual gas production and reclamation completed during the preceding calendar year, gas production and reclamation activities planned for the current calendar year, and the contingency reclamation plan to be implemented, if necessary, during the current calendar year.

Subp. 2. **Preceding calendar year.** For the preceding calendar year, the report must include:

A. a description of actual gas resource development operations, including:

(1) volumes and average compositions of raw gas extracted from each gas well within the established spacing unit;

(2) quantities and final grades of commercial gas products and how products were transported to market; and

(3) any changes in the production or gas enrichment processes;

B. any changes in production status for the permittee's gas wells;

C. a description of any temporary shutdowns;

D. a description of reclamation activities and corrective actions undertaken;

E. any changes in the site operator that manages day-to-day operations on the permittee's behalf, as applicable; and

F. a description of any changes in the permittee's ownership or organizational structure.

Subp. 3. **Current calendar year.** For the current calendar year, the report must include:

A. the anticipated rate of gas resource development, including:

(1) volumes and average compositions of raw gas to be extracted from each gas well within the established spacing unit;

(2) quantities and final grades of commercial gas products and how products will be transported to market; and

(3) planned changes in the production or gas enrichment processes;

B. other anticipated gas resource development operations;

C. anticipated reclamation activities, including methods and schedules;

D. any anticipated changes in the status of the permittee's gas wells;

E. any anticipated temporary shutdowns;

F. a discussion of how anticipated activities will differ in scope and schedule from the operations plan approved under part 6124.1000;

G. evidence that the liability insurance policy submitted with the permit application is in force or that self-insurance requirements are being met; and

H. a description of anticipated changes in the permittee's ownership or organizational structure.

Subp. 4. **Corrective action.** When a corrective action plan is required under part 6124.2400, subpart 2, the report under subpart 1 must include:

A. a description of actual corrective action conducted in the preceding calendar year;

B. a description of anticipated corrective action for the current calendar year; and

C. a corrective action cost estimate for the current calendar year according to part 6124.1100, subpart 3.

Subp. 5. **Maps.** For the preceding and current calendar years, the report must contain maps in the form prescribed under part 6124.1000, subpart 5, that show the status of gas resource operations, construction, and reclamation.

Subp. 6. **Compliance determination.**

A. If the annual report complies with the gas resource development permit and this chapter, the commissioner must direct the permittee to implement the operations plan proposed for the current calendar year under subpart 3, item F.

B. If the annual report does not comply with the gas resource development permit or this chapter, the commissioner must:

(1) require the permittee to prepare an explanation for noncompliance and what the permittee proposes to achieve compliance;

(2) direct the permittee to take corrective action under part 6124.2400 to address the violations, deficiencies,

or inadequacies that are reported to have occurred during the past calendar year; or

(3) require the permittee to develop a new operations plan for activities to be conducted during the current calendar year that will comply with the gas resource development permit.

6124.1300 REQUEST FOR RELEASE FROM PERMIT.

Subpart 1. **Purpose.** The purpose of the request for release is to provide the commissioner with information on the reclamation status of one or more gas resource development locations. The permittee may submit the request when the permittee concludes that all reclamation is complete for one or more gas resource development locations. The commissioner must approve release from the permit only for those locations that are reclaimed according to this chapter.

Subp. 2. **Contents.** The request for release must include:

A. a description of how each gas resource development location for which a release is requested has been made to comply with parts 6124.2000 to 6124.2300 and the gas resource development permit;

B. identification of:

(1) the surface land ownership of the gas resource development location or locations for which a release is requested; and

(2) any remaining structures or auxiliary facilities at the location for which a release is requested;

C. a discussion of gas resource development locations excluded from release because they are:

(1) subject to ongoing reclamation operations under part 6124.2300; or

(2) still engaged in gas production; and

D. a map in the form prescribed by part 6124.1000, subpart 5, item A, that shows:

(1) the location and status of all gas resource development locations and facilities created or used during gas resource development;

(2) the gas resource development locations for which release is being requested;

(3) the gas resource development locations on which reclamation or production is still being conducted;

(4) the final topography of the gas resource development locations covered under the request for release; and

(5) the location, type, and extent of vegetation that has been established under part 6124.2300.

Subp. 3. **Determination by commissioner.**

A. The commissioner must review the request for release and inspect each location to be released to determine whether all terms and conditions of this chapter and the gas resource development permit have been satisfied for the location.

B. If the commissioner determines that the terms and conditions of this chapter and the gas resource development permit are not satisfied, the permittee must not be released from the permit.

C. If the commissioner determines that the terms and conditions of this chapter and the gas resource development

permit are satisfied, the commissioner must release the permittee from further responsibility for the reclaimed portion.

6124.1400 TEMPORARY SHUTDOWN.

Subpart 1. **Notification.** The permittee must notify the commissioner at least five days before the start of a temporary shutdown. The notification must include the reason for the temporary shutdown and the projected end of the temporary shutdown.

Subp. 2. **Temporary shutdown plan.** The permittee must implement the temporary shutdown plan under part 6124.1000, subpart 8, at the start of any temporary shutdown.

6124.1500. PERMANENT SHUTDOWN.

Subpart 1. **Notification.** The permittee must notify the commissioner at least 30 days before the start of a permanent shutdown.

Subp. 2. **Initiation of reclamation operations.** After giving notice under subpart 1, the permittee must:

A. immediately implement the contingency reclamation plan that was included in the most recent annual report;

B. within 30 days, submit to the commissioners of health and natural resources a gas well sealing notification for all gas wells; and

C. comply with the reclamation requirements under part 6124.2300.

SITING AND RECLAMATION

6124.2000 SITING.

Subpart 1. **Gas resource operations excluded.** Gas resource development operations are prohibited in or below:

A. the Boundary Waters Canoe Area Wilderness, as legally described in the Federal Register, volume 45, number 67 (April 4, 1980), with state restrictions specified in Minnesota Statutes, section 84.523, subdivision 3;

B. Voyageurs National Park, with state restrictions specified in Minnesota Statutes, section 84B.03, subdivision 1;

C. state wilderness areas, with restrictions specified in Minnesota Statutes, section 86A.05, subdivision 6; or

D. Agassiz and Tamarac National Wilderness Areas and Pipestone and Grand Portage National Monuments.

Subp. 2. **Surface disturbance and directional drilling prohibited.** Gas resource development operations that disturb the surface are prohibited, and subsurface directional and horizontal drilling are prohibited in or below:

A. state-owned surface lands designated as scientific and natural areas;

B. state-owned surface lands designated as state peatland scientific and natural areas where gas resource development operations would significantly modify or alter the peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or natural features of the peatland scientific and natural areas;

C. calcareous fens identified according to Minnesota Statutes, section 103G.223; and

D. state-owned surface lands designated as state parks.

Subp. 3. **Surface disturbance prohibited.** Gas resource development operations that disturb the surface are

prohibited:

A. within the Boundary Waters Canoe Area Wilderness Mineral Management Corridor, identified on the map Minnesota Department of Natural Resources B.W.C.A.W. Mineral Management Corridor, Department of Natural Resources (February 1991), which is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system;

B. within one-fourth mile of Voyageurs National Park;

C. within one-fourth mile of state-owned surface lands designated as state wilderness areas;

D. within one-fourth mile of Agassiz and Tamarac National Wilderness Areas and Pipestone and Grand Portage National Monuments;

E. within one-fourth mile of state-owned surface lands designated as scientific and natural areas;

F. within one-fourth mile of state-owned surface lands designated as state parks;

G. within one-fourth mile of calcareous fens identified according to Minnesota Statutes, section 103G.223;

H. on sites designated in the National Register of Historic Places, except that gas resource development operations are allowed if the sites have been established because of their association with mining;

I. on sites designated as state historic sites under Minnesota Statutes, section 138.662, or state historic places under Minnesota Statutes, section 138.664;

J. within waters identified in the public waters inventory under Minnesota Statutes, section 103G.201, that have not been created or substantially altered in size by human activities and on the shorelands, as defined in Minnesota Statutes, section 103F.205, subdivision 4, adjoining the unaltered public waters;

K. within national wild, scenic, or recreational river districts of a national wild, scenic, or recreational river and within the areas identified in A Management Plan for the Upper Mississippi River, Mississippi Headwaters Board (January 1981), which is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system;

L. within designated state land-use districts of a state wild, scenic, or recreational river;

M. within the area adjacent to the north shore of Lake Superior identified in North Shore Management Plan: Shoreland Management, North Shore Management Board (December 1988), which is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system;

N. within 1,000 feet of an occupied dwelling, public school, church, public institution, or county or municipal park that existed before a gas resource development permit was issued for the area, unless allowed by the owner;

O. within 100 feet of a cemetery that existed before a gas resource development permit was issued for the area; and

P. within 100 feet of the outside right-of-way line of a public roadway that existed before a gas resource development permit was issued for the area.

Subp. 4. **Gas resource development operations constrained.** Gas resource development operations that disturb the surface in the following areas may be allowed only if the operations cannot be achieved elsewhere within the established spacing unit:

A. within a national wildlife refuge, within a national waterfowl protection area, or on a national trail;

B. within state-owned surface lands designated as wildlife management areas;

C. on a state-designated trail listed in Minnesota Statutes, section 85.015, or acquired under the authority of Minnesota Statutes, section 84.029, subdivision 2;

D. within state-owned surface lands designated as a state recreation area under Minnesota Statutes, section 85.013; and

E. in peatlands identified as peatland watershed protection areas in Recommendations for the Protection of Ecologically Significant Peatlands in Minnesota, Department of Natural Resources (November 1984), which is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 5. **General siting criteria.**

A. Portions of a gas resource development location for which there is flexibility in site selections, such as storage piles, production equipment, tanks and tank batteries, flowlines, processing equipment, offices, interconnecting roadways, and auxiliary facilities, must be sited to avoid or minimize:

(1) impacts on the public and natural resources due to wind erosion, light, noise, and air emissions;

(2) potential damage to property and natural resources due to soil erosion and storm runoff;

(3) impacts to surface water, wetlands, or groundwater resources;

(4) impacts to wildlife, wildlife habitats, and aquatic species;

(5) impacts to public health and welfare, including nuisance effects; and

(6) conflicts with natural and historical heritage sites.

B. All gas resource development operations must incorporate setbacks or separations to comply with air, water, and noise pollution standards; local land use regulations; and requirements of other appropriate authorities.

6124.2200 SITE PREPARATION AND OPERATION.

Subpart 1. **Requirements.**

A. Each gas resource development location, access road, and flowline must be designed, constructed, and operated to promote reclamation of the land, protect the topsoil disturbed by the operation, and minimize surface disturbance. Reclamation activities must begin after the gas resource development operations are initiated and continue throughout the life of the operations.

B. Site preparation and stabilization must meet the following requirements:

(1) well sites, production facilities, gathering pipelines, and access roads must be located, sized, constructed, and maintained to control dust and to minimize erosion, alteration of natural features, removal of surface materials, and degradation due to contamination;

(2) any drilling location must be designed and constructed to minimize the total surface area disturbance and provide a safe working area, including avoiding steep slopes when possible;

(3) the operator must prioritize using existing roads to avoid erosion and minimize the land used for the operation, and roads must be routed to complement other land usage;

(4) flowlines in areas used for cultivation must be buried beneath plow depth, and topsoil must be salvaged and stored along the flowline corridor before flowline is installed;

(5) surface disturbance during construction of locations, flowlines, and access roads must be minimized to the area needed to stage materials, to store salvaged topsoil, and to operate equipment;

(6) the operator must separate and store topsoil to facilitate reclamation activities at the site;

(7) stockpiled topsoil must be protected from contamination, compaction, and wind and water erosion during drilling and production operations;

(8) the operator must use best management practices to prevent establishment of weeds and invasive species and to maintain soil microbial activity;

(9) wellheads and surface equipment must be fenced when necessary to discourage livestock, wildlife, and third-party interference;

(10) the operator must restore the surface of the land as close as practicable to the land's condition at the start of operations;

(11) the operator must install, maintain, monitor, and repair each gas resource development location, facility, access road, and flowline to prevent potential impacts to public health and the environment; and

(12) the operator must remedy any leaks or spills.

Subp. 2. **Dust, noise, and light requirements.** The permittee must manage drilling, production, and operations to control dust, noise, and light as follows:

A. dust must be controlled to prevent nuisance and potential health effects by using techniques such as water spray, anchored mulches, vegetation, enclosure and containment, access road surface or surfacing materials, road maintenance, or speed restrictions. Limited use of chemical binders is allowed only when other techniques are inadequate to control dust to prevent nuisance and potential health effects;

B. the operator must comply with the noise standards under chapter 7030 and Minnesota Statutes, section 116.07, subdivision 2;

C. light must be controlled to maintain site safety during drilling, production, and operations; and

D. lighting must be shielded and directed downward to illuminate the work area, so that lighting does not extend more than 100 feet beyond the boundary of a gas resource development location.

Subp. 3. **Reclaiming areas no longer supporting production.**

A. Areas no longer supporting production and areas disturbed by construction and no longer in use must be reclaimed according to part 6124.2300.

B. Following well drilling or construction of a gas resource development location, material and equipment that are not necessary for production and operations must be removed and managed in compliance with state and federal law.

C. Any excavation that supported well drilling or construction of a gas resource development location must be backfilled and recontoured to match the surrounding surface.

D. No later than the first growing season after a gas well is drilled or after construction for an associated gas resource development location, the area must be revegetated according to part 6124.2300, subpart 1, item H, to fulfill the requirements of part 6124.2300, subpart 3.

E. If the same area is disturbed again, the operator must reinitiate reclamation activities according to this subpart.

6124.2300 RECLAMATION.

Subpart 1. **Decommissioning requirements.** A gas resource development location must be reclaimed so that the location is stable, free of hazards, and maintenance-free. The following decommissioning activities must be completed within 18 months after reclamation starts under part 6124.2200, subpart 3:

A. all equipment and materials, such as used and unused cement, tanks, and piping, must be removed from the location;

B. any tanks, drill cuttings, fluids, and chemicals must be managed in compliance with state and federal law;

C. any gas well on the location must be sealed according to Department of Health rules or other applicable law;

D. excavations must be backfilled and recontoured to match the surrounding surface;

E. roads, parking areas, and storage pads, except those necessary for access, must be removed;

F. flowlines and flowline risers must be removed as part of waste removal. The commissioner may approve abandoning a buried flowline in place. Any flowline abandoned in place must be disconnected from its source, properly purged, and tested to confirm atmospheric pressure;

G. all other equipment, facilities, and structures must be removed, including foundations and pads; and

H. gas resource development locations must be revegetated using techniques such as seeding or planting, fertilizing, mulching, irrigating, and grading or other methods to reduce compaction. Vegetation must be established during the first growing season after construction on any disturbed areas, including:

(1) areas that are disturbed during well drilling or construction of a gas resource development location and do not support production;

(2) areas along a flowline route that were disturbed by construction after the flowline was installed;

(3) berms, stockpiles, or piles of topsoil that are segregated and stored during construction of a gas resource development location; and

(4) areas disturbed for parking, staging, storage, transmission routes, and roads during the construction phase that will not be used for subsequent production and operations.

Subp. 2. **Land use consideration.** Reclamation activities must account for future land use potential and recognize the productivity of the site. If a gas resource development location is in a developed urban or suburban area or in an agricultural area, the commissioner must consider alternatives to establishing native species according to the following requirements:

A. the location must be reclaimed so that it is nonpolluting, has future land use potential that recognizes the productivity of the site, and is maintenance-free;

B. the reclaimed location must be compatible with surrounding land use and plans of the surface owners; and

C. the location must be reclaimed according to the approved operations plan, and the operator must implement monitoring activities according to subpart 3.

Subp. 3. **Monitoring requirements.** Areas vegetated during decommissioning must be monitored as follows:

A. within three growing seasons after initiating vegetation, a 70-percent ground cover must exist on the reclaimed area, with vegetative cover free of nonnative invasive species, within a 90-percent statistical confidence interval, and consisting of living vegetation and its litter. Vegetation must be consistent with the reference areas described in part 6124.1000, subpart 6, item J;

B. if the standard identified in item A is not met, if unvegetated rills or gullies more than nine inches deep are present and erosion is occurring, or if subsequent disturbance alters the established ground cover, the surface must be repaired and replanted during the next normal planting period; and

C. notwithstanding items A and B, vegetative cover may be consistent with an alternate land use, if approved by the commissioner under subpart 2.

6124.2400 CORRECTIVE ACTION.

Subpart 1. **Action by permittee.** A permittee must take immediate corrective action to address any violation, subject to the following:

A. when the permittee is aware that requirements of parts 6124.2000 to 6124.2300 are not being met or if facilities constructed are not in compliance with the gas resource development permit, the permittee must immediately notify the commissioner; and

B. if there is an immediate threat to human safety or natural resources resulting from the gas resource development operations, the permittee must implement the emergency response plan and take immediate corrective action.

Subp. 2. **Corrective action order.** The commissioner may order the permittee to take corrective action to address any violation, whether observed by the commissioner or reported by the permittee, as follows:

A. upon notification or observation of a violation of this chapter or the gas resource development permit, the commissioner may order the permittee to:

(1) immediately take corrective action; or

(2) submit, within ten business days, a corrective action plan for approval before the permittee implements corrective action that includes:

(a) the nature and cause of the violation;

(b) the methods, sequence, and schedule of corrective action that will result in compliance with the permit and this chapter;

(c) corrective action cost estimates according to part 6124.1100, subpart 3; and

(d) maps and cross sections; and

B. the commissioner may take one or more of the following actions if the permittee fails to comply with this part or an order issued under this subpart:

(1) modify the gas resource development permit under part 6124.3300;

(2) suspend gas production under part 6124.3600; or

(3) revoke the gas resource development permit under part 6124.3700.

ADMINISTRATIVE PROCEDURES

6124.3000 OBTAINING GAS RESOURCE DEVELOPMENT PERMIT; PROCEDURES.

Subpart 1. **Application.** The process for requesting a gas resource development permit begins with a preapplication conference under part 6124.1000, subpart 1, followed by submitting an application to the commissioner under parts 6124.1000 to 6124.5200.

Subp. 2. **Initial review.** The commissioner must conduct an initial review of a gas resource development permit application to determine completeness. The commissioner must reject without prejudice any gas resource development permit application that fails to:

A. include all information, maps, plans, and documents required under part 6124.1000, subparts 3 to 8;

B. include plans, maps, or documents that are, on an individual basis, complete;

C. demonstrate that the permittee has surface use agreements, as needed for surface occupancy within the proposed spacing unit; or

D. submit a combined application that includes a proposal for a spacing unit that demonstrates the permit applicant's control of all mineral interests within the proposed spacing unit, as described in part 6124.5200, subpart 3.

Subp. 3. **Application completeness; filing.** After the commissioner determines that a gas resource development permit application is complete, the commissioner must publish a notice in the State Register according to part 6124.3900, subpart 1, stating that the department has received an application for a gas resource development permit. The application is considered filed upon publication of the notice.

Subp. 4. **Informational meeting.** After a gas resource development permit application is filed, the commissioner may hold a public informational meeting with the assistance of the applicant in the county or counties where proposed gas resource development operations would take place. The informational meeting may include a discussion of proposed project operations and the proposed spacing unit. At least 30 days before the meeting, the commissioner must publish notice of the meeting in the State Register according to part 6124.3900, subpart 4.

Subp. 5. **Notifying surface and mineral interest owners.** Within 30 days after the application is filed, the permit applicant must mail notice to all surface and mineral interest owners within the proposed spacing unit that the permit applicant has submitted a permit application and proposed a spacing unit for gas resource development. The applicant must provide the commissioner with a list of all the owners, the owners' mailing addresses, and an affidavit of mailing.

Subp. 6. **Commissioner's review.**

A. After receiving an application that the commissioner has deemed complete and filed, the commissioner must:

(1) evaluate the proposed spacing unit and propose in a draft spacing order that the spacing unit be approved, modified, or made provisional according to part 6124.5200; and

(2) determine whether the proposed financial assurance plan, operations and reclamation plans, temporary shutdown plan, or other parts of the application need to be modified to comply with applicable state laws.

B. If the spacing unit is modified under item A, the applicant must demonstrate control of any added areas within the modified spacing unit before the commissioner issues a draft permit. If the applicant cannot demonstrate control of the modified spacing unit, the commissioner must reject the application.

Subp. 7. **Draft permit and spacing order.**

A. Except as provided in item C, the commissioner must issue a draft gas resource development permit that consists of the complete permit application and any special conditions that are necessary to fulfill the requirements of this chapter. The commissioner must also issue a draft spacing order.

B. The commissioner must publish notice of issuing a draft permit and draft spacing order in the State Register according to part 6124.3900.

C. If the commissioner determines that a gas resource development permit application will be denied, the commissioner is not required to issue a draft permit under this subpart or accept public comments under subpart 9.

Subp. 8. **Early Tribal notification.** The commissioner must provide notice to Minnesota Tribal governments, as defined under Minnesota Statutes, section 10.65, subdivision 2, at least 30 days before publishing the draft permit and draft spacing order in the State Register.

Subp. 9. **Public comments.** A 30-day public comment period begins when the notice of issuing the draft permit and draft spacing order is published in the State Register. The commissioner may hold a public meeting on the draft permit within the public comment period in the county or counties where gas resource development operations would take place. The commissioner must consider public comments received but is not required to respond to individual comments.

Subp. 10. **Final decision.**

A. After the public comment period, the commissioner must decide whether to grant the gas resource development permit, with or without modifications, or deny the application. The commissioner's decision is a final order subject to appeal under Minnesota Statutes, section 93.50.

B. The commissioner must issue a spacing order before or concurrently with the gas resource development permitting decision. The commissioner must not issue a permit unless the applicant has demonstrated control of the associated spacing unit according to part 6124.5200. The commissioner's spacing order is a final order subject to appeal under Minnesota Statutes, section 93.50.

Subp. 11. **Term of permit.** A permit issued by the commissioner under this part must be granted for the numeric term determined necessary by the commissioner for completing the proposed gas resource development plan, including reclamation.

Subp. 12. **Revocation; modification; suspension.** A permit is irrevocable during its term except as provided under parts 6124.3300, 6124.3500, 6124.3600, and 6124.3700.

6124.3200 AMENDING GAS RESOURCE DEVELOPMENT PERMIT.

Subpart 1. **Application for amendment.** A permittee may request an amendment of the gas resource development permit by filing an application for an amendment with the commissioner. The application must include information the commissioner requests to determine whether the proposed amendment meets the requirements of parts 6124.0100 to 6124.5200.

Subp. 2. **Review by commissioner; completeness.** The commissioner must review a permit amendment application to determine whether it meets the requirements of parts 6124.0100 to 6124.5200. A proposed permit amendment that meets the requirements, either on its own or with the addition of special conditions necessary to comply with this

chapter, is considered complete.

Subp. 3. **Determination by commissioner; substantial change.**

A. The commissioner must determine whether the complete proposed amendment constitutes a substantial change from the gas resource development permit. The commissioner must decide whether to grant, grant with conditions, or deny a proposed amendment that does not constitute a substantial change without complying with the procedural requirements of this subpart.

B. When the commissioner determines that a complete proposed amendment constitutes a substantial change to the permit, the commissioner must:

(1) issue a draft gas resource development permit amendment that consists of the permit amendment application and any special conditions that are necessary to fulfill the requirements of this chapter;

(2) publish notice of issuing a draft permit amendment in the State Register according to part 6124.3900, subpart 3; and

(3) provide notice to Minnesota Tribal governments, as defined under Minnesota Statutes, section 10.65, subdivision 2, at least 30 days before publishing the draft permit amendment in the State Register.

C. A 30-day public comment period begins when the notice of issuing the draft permit amendment is published in the State Register. The commissioner may hold a public meeting on the draft permit amendment during the public comment period in the county or counties where permitted gas resource development operations would take place. The commissioner must consider public comments received but is not required to respond to individual comments.

D. After the comment period, the commissioner must decide whether to grant the permit amendment, with or without modifications, or deny the application. The commissioner's decision is a final order subject to appeal under Minnesota Statutes, section 93.50.

6124.3300 MODIFYING GAS RESOURCE DEVELOPMENT PERMIT.

Subpart 1. **Conditions authorizing.** The commissioner may modify a gas resource development permit when:

A. it is necessary to correct conditions that jeopardize public health or safety, threaten public lands or waters or the environment, or could result in injury to persons or property;

B. the permittee violates terms of the gas resource development permit or parts 6124.0100 to 6124.5200; or

C. new information becomes available that must be addressed and incorporated into the gas resource development permit.

Subp. 2. **Appeal.** A permittee may appeal the modification under subpart 1 according to Minnesota Statutes, section 93.50.

6124.3400 ORDER TO IMPLEMENT CONTINGENCY RECLAMATION PLAN; TEMPORARY SHUTDOWN.

Subpart 1. **Conditions authorizing.** As provided in subpart 3, the commissioner may order a permittee to implement the permittee's contingency reclamation plan when a temporary shutdown exceeds 18 months.

Subp. 2. **Notice of intent.** The commissioner must notify a permittee of the intent to order implementation of the contingency reclamation plan according to subpart 1. The permittee has 30 days after the date the notice is mailed to:

A. implement the contingency reclamation plan and comply with the permanent shutdown requirements under part 6124.1500;

B. end the temporary shutdown and bring the project back into production for no fewer than 120 days at levels comparable to levels 30 days before the temporary shutdown started; or

C. request an extension of the deadline to reach a decision as to whether to initiate reclamation or end the temporary shutdown, with the request explaining why additional time is necessary.

Subp. 3. **Decision by commissioner.** The commissioner must issue an order to implement the contingency reclamation plan when:

A. the permittee fails to respond within 30 days after the date the notice of intent is mailed;

B. the permittee notifies the commissioner of the permittee's intention to end the temporary shutdown but fails to do so within 60 days after the notice of intent is mailed; or

C. the commissioner denies the permittee's request for an extension under subpart 2, item C.

6124.3500 CANCELING GAS RESOURCE DEVELOPMENT PERMIT.

A. The commissioner may cancel a gas resource development permit if, within three years after issuing the gas resource development permit:

(1) no surface disturbances, construction activities that require reclamation, or actual extraction or beneficiation of gas resources has begun; and

(2) no reclamation of the site is necessary.

B. The commissioner may cancel a permit at the request of or with the consent of the permittee upon such conditions as the commissioner determines necessary for protecting the public interest.

6124.3600 SUSPENDING GAS PRODUCTION.

Subpart 1. **Procedure.** The commissioner may order a permittee, in writing, to suspend production-related operations at one or more gas resource development locations when:

A. production-related operations create an emergency that results in imminent danger to or an immediate threat to public health and safety, public interest in lands and waters, or persons and property; or

B. the permittee fails to correct identified deficiencies or inadequacies in financial assurance, annual reporting, or corrective actions.

Subp. 2. **Reclamation obligations.** An order by the commissioner to suspend production-related operations does not apply to active reclamation operations.

Subp. 3. **Lifting suspension.** A written order to suspend production-related operations must identify the conditions that must be met by the permittee before the suspension may be lifted.

Subp. 4. **Failure to comply.** A permittee's failure to adequately address issues identified by the commissioner in the written order of suspension may lead to further action, including permit revocation.

Subp. 5. **Appeal.** The permittee may appeal a suspension according to Minnesota Statutes, section 93.50.

6124.3700 REVOKING GAS RESOURCE DEVELOPMENT PERMIT.

Subpart 1. **Conditions authorizing.** The commissioner may revoke a gas resource development permit by written order when:

A. it is necessary to stop conditions that jeopardize public health and safety, threaten public lands or waters, or could result in injury to persons or property, and an order to suspend under part 6124.3600 cannot remedy the threat or has not been complied with;

B. the permittee violates terms of the gas resource development permit or parts 6124.0100 to 6124.5200, other than those specified in part 6124.3600, subpart 1, item B;

C. the permittee fails to correct deficiencies or inadequacies creating an emergency under part 6124.3600, subpart 1, item A; or

D. the commissioner has reasonable cause to believe that information submitted on a permit application was materially incorrect.

Subp. 2. **Cessation of operations.** Upon an order by the commissioner to revoke a permit, the permittee must immediately cease all gas resource development operations.

Subp. 3. **Forfeiture of financial assurance.** Upon an order by the commissioner to revoke the permit, the commissioner must notify the permittee and the provider of financial assurance that all financial assurance funds must be made available to the commissioner.

Subp. 4. **Appeal.** The permittee may appeal the revocation according to Minnesota Statutes, section 93.50.

6124.3800 ASSIGNMENT.

A gas resource development permit may be assigned only if the commissioner determines that the assignee will perform all outstanding obligations under parts 6124.0100 to 6124.5200, other applicable law, and the gas resource development permit. An assignee must have the technical and financial capability to perform the required operations.

6124.3900 PUBLICATION.

Subpart 1. **Application notice.** When notice that an application for a gas resource development permit has been received is required to be published in the State Register, the notice must include a description of the proposed gas resource development operations, including planned reclamation activities.

Subp. 2. **Issuance notice.** When notice for issuing a gas resource development permit or spacing order is required to be published in the State Register, the notice must contain:

A. a description and map indicating the locations and boundaries of the gas resource development locations and associated spacing unit;

B. the means of obtaining a summary of surface and mineral ownership within the associated spacing unit, based on information provided by the applicant; and

C. the means of obtaining a copy of the draft permit or draft spacing order.

Subp. 3. **Amendment notice.** When notice for amending a gas resource development permit or spacing unit is required to be published in the State Register, the notice must contain:

A. a description of the purpose and nature of the proposed amendment; and

B. the means of obtaining a copy of the draft permit amendment or the draft spacing order amendment.

Subp. 4. **Public meeting notice.** When the commissioner determines that a public informational meeting will be held according to part 6124.3000, subpart 4, or 6124.3200, subpart 3, the commissioner must publish notice of the meeting details in the State Register at least 30 days before the meeting.

6124.4000 INSPECTING GAS RESOURCE DEVELOPMENT LOCATIONS.

A permittee must allow the commissioner to inspect any gas resource development operation, facility, or location and any associated records to monitor compliance with the gas resource development permit and parts 6124.0100 to 6124.5200.

POOLING AND SPACING

6124.5200 POOLING AND SPACING.

Subpart 1. **Spacing unit.**

A. An operator must apply to the commissioner for a new spacing unit associated with a gas resource development permit involving a gas well or set of gas wells that the operator plans to drill at one or more gas resource development locations. A proposal to establish a new spacing unit must be included in an application for a gas resource development permit.

B. The proposed spacing unit must include the maximum area that can be efficiently and effectively drained by the operator's well or set of wells. The minimum area of a proposed spacing unit is a quarter-quarter section of land. For the purpose of complying with Minnesota Statutes, section 93.513, subdivision 1, a spacing unit is equivalent to a permitted extraction area.

Subp. 2. **Spacing unit boundaries.** A spacing unit proposal must include information to determine whether proposed gas resource development operations within the proposed spacing unit will efficiently and effectively drain the unit's gas resources. A spacing unit proposal must include:

A. a description of the proposed spacing unit boundary that identifies the location of a proposed gas well or wells;

B. a map that shows the location and boundary of the proposed spacing unit, with associated geospatial metadata;

C. a map identifying ownership of all land and mineral interests in the spacing unit;

D. geologic and engineering data used by the applicant to determine the boundaries of the proposed spacing unit;

E. the applicant's certification that the applicant will conduct gas resource development operations in the proposed spacing unit to protect and minimize adverse impacts to public health, safety, and welfare; the environment; and wildlife resources; and

F. any additional information necessary to evaluate a spacing unit application.

Subp. 3. **Demonstrating control.** An applicant for a gas resource development permit must meet any statutory requirements for control of mineral rights within an established spacing unit. Documentation establishing the applicant's control of mineral interests within a proposed spacing unit must be included in a gas resource development permit application. If the commissioner determines that a spacing unit will differ in areal extent from the proposed spacing unit, the applicant must provide an amended application, including any required supplemental documentation of the applicant's mineral interest control. Acceptable forms of documentation include:

A. a mineral deed;

B. a mineral lease or memorandum of lease; or

C. a voluntary pooling agreement according to subpart 4 or any other agreement confirming the applicant's right to drill into and produce from a pool or a memorandum of such agreement.

Subp. 4. **Pooling.** When two or more separately owned tracts, including any state-owned tracts, are embraced within a spacing unit or when there are separately owned interests in all or a part of the spacing unit, then persons owning the interests may pool their interests for developing and operating the spacing unit. A pooling agreement must be in writing and signed by all parties whose interests are subject to the agreement.

Subp. 5. **Establishing spacing unit.** The commissioner must determine whether to approve, approve with modifications, or deny a proposed spacing unit by considering whether the proposed spacing unit:

A. prevents waste of gas resources;

B. avoids drilling unnecessary wells; and

C. protects correlative rights.

Subp. 6. **Modifying established spacing unit.**

A. An operator may request modifying a spacing unit according to item B, or the commissioner must order modification according to item C. To prevent or assist in preventing waste, to avoid drilling unnecessary wells, or to protect correlative rights, the size of the established spacing unit may be decreased or increased or additional wells may be permitted to be drilled within the established spacing unit.

B. An operator must apply for an amendment to the operator's issued gas resource development permit under part 6124.3200 to propose modifying the associated spacing unit. An amendment application that would change the size of an established spacing unit must include the information required in subpart 2 and demonstrate control of the proposed modified spacing unit as required in subpart 3.

C. The commissioner must order modification of an established spacing unit upon the commissioner's own initiative when new geologic or engineering information becomes available that requires changes in the size of the established spacing unit to meet the requirements established in subpart 1. The commissioner must modify the spacing order and the gas resource development permit based upon the updated spacing unit.

D. A permittee or interested party may appeal an order that changes the size of an established spacing unit under Minnesota Statutes, section 93.50.

Subp. 7. **Provisional spacing unit.**

A. If the commissioner is unable to determine, based on information in the gas resource development permit application, the existence of a developable gas resource, the appropriate acreage to be included within a spacing unit, or the shape of a spacing unit, the commissioner must establish a provisional spacing order to obtain evidence as to the existence of a gas resource and the appropriate size and shape of the associated spacing unit. In establishing the size and shape of the provisional spacing unit, the commissioner must consider all applicable and available information, including the size and shape of spacing units previously established by the commissioner for comparable areas of the same geologic rock formation.

B. A gas resource development permit that is issued based on a provisional spacing order allows the permittee to drill gas wells and conduct gas resource development operations to provide the data necessary to evaluate the provisional spacing unit. The permittee must submit to the commissioner the data necessary to determine whether the provisional spacing unit should be converted to an established spacing unit or if a different spacing unit should be established.

C. Commercial production of gas resources is prohibited until a provisional spacing order is converted to an established spacing unit and the permittee demonstrates control of the established spacing unit according to subpart 3.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Department of Agriculture

Pesticide and Fertilizer Management Division

REQUEST FOR COMMENTS on Minnesota Rules Chapter 1505

The Minnesota Department of Agriculture (MDA) is seeking public comments specifically related to the following question:

With express consideration of how Minnesota Rules chapter 1505 fits within the broader context of all applicable environmental protection in state and federal law regulating pesticides and neonicotinoid-treated seeds, is Minnesota Rules chapter 1505 adequate to protect Minnesota's natural resources from pollution, impairment, or destruction allegedly resulting from the use of neonicotinoid-treated crop seeds?

The MDA will consider the comments it receives prior to making a final decision on whether Minnesota Rules chapter 1505 is adequate to protect the state's natural resources from pollution, impairment, or destruction allegedly resulting from the use of neonicotinoid-treated crop seeds. When submitting comments, please provide any supportive data or other information. Comments that only express support or opposition to neonicotinoid-treated crop seed, without providing further information for the MDA to consider, will not assist the MDA in its decision-making.

A list of current federal and MDA statutes and rules related to neonicotinoid-treated seed can be found on the ***MDA's Neonicotinoid-Treated Seed Public Comment website***.

Interested parties may submit written comments within 75 days of this notice, ending on Friday, July 31, 2026.

Comments can be submitted through an online form on the ***MDA's Neonicotinoid-Treated Seed Public Comment website,*** by e-mail (Subject: Treated Seed Public Comment) to: ***TreatedSeed.MDA@state.mn.us***, or by letter to: Molly Darlington, Research Scientist, Pesticide Technical Unit, 625 Robert Street North, Saint Paul, MN 55155;

If you submit comments via the online form or email, you will receive a reply indicating that your comments were received. If you do not receive a reply, contact Molly Darlington at ***PTU.MDA@state.mn.us***. It is the responsibility of the commentator to verify that their comments were received by the closing date. The MDA is not responsible for any technical issues.

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact Molly Darlington, Research Scientist, Pesticide Technical Unit, Email: ***TreatedSeed.MDA@state.mn.us***.

For questions regarding this notice, please contact: Trisha Leaf, Section Manager, Pesticide Non-Point Section, Minnesota Department of Agriculture, 625 Robert Street North, Saint Paul, MN. Phone: 651-201-6588, Email: ***PTU.MDA@state.mn.us***

Official Notices

Minnesota Department of Human Services

Health Care Administration

Notice of Prepaid Medical Assistance Project Plus Demonstration Waiver Public Forum

The Minnesota Department of Human Services invites the public to comment on the progress of the Prepaid Medical Assistance Project Plus (PMAP+) demonstration waiver at a public forum on June 30, 2026.

The PMAP+ waiver was first approved by the Centers for Medicare & Medicaid Services (CMS) in July 1995 and is authorized under section 1115 of the Social security Act as a demonstration waiver. On Nov. 15, 2023, CMS approved Minnesota's request to extend the waiver from Jan. 1, 2024 through Dec. 31, 2028. The five-year demonstration provides federal authority to:

- Cover children under Medical Assistance who are 12 to 23 months old with income eligibility above 275% and at or below 283% of the federal poverty level (FPL).
- Waive the federal requirement to redetermine the basis of Medical Assistance eligibility for caretaker adults with incomes at or below 133% of the FPL who live with children age 18 who are not full-time secondary school students.
- Provide Medical Assistance benefits to pregnant people during the period of presumptive eligibility.
- Provide continuous eligibility under Medical Assistance for children up to age six, and 12 months of continuous eligibility for children ages 19 and 20.

For additional information about the PMAP+ demonstration waiver, see:

- ***PMAP+ waiver approval, expenditure and waiver authorities, and special terms and conditions (PDF)*** for information about CMS' approval of the PMAP+ demonstration waiver;
- ***Annual Report for Demonstration Year 31 (PDF)*** for the most recent CMS approved annual report; and
- ***Federal health care waivers with public hearings and comments / Minnesota Department of Human Services (mn.gov)*** webpage.

Under the terms of the waiver, the state must hold an annual forum to provide the public with an opportunity to comment on the progress of the waiver over the last year. All interested members of the public are invited to attend and provide comments. Comments will be recorded and shared publicly as part of the state's federal reporting requirements.

You may attend the forum via video conference or in-person. The next public forum will be held:

DATE: Tuesday, June 30, 2026
TIME: 2:00 – 3:00 p.m.

Video Conference Option
Use this ***Webex link*** to attend virtually (at the date and time above).

In-Person Option
If you would like to attend in-person, please send an email to ***Section1115WaiverComments@state.mn.us*** so we can assure sufficient room capacity.

LOCATION: Minnesota Department of Human Services
Elmer L. Anderson Human Services Building, Room 2222
540 Cedar Street
St. Paul, MN 55101

Limited parking is available in the ramp adjacent to the building. Refer to the Department of Human Services ***Directions and parking webpage*** for more information, including additional parking options.

Minnesota Department of Human Services
Health Care Administration
Notice of Substance Use Disorder Demonstration Waiver Public Forum

The Minnesota Department of Human Services invites the public to comment on the progress of the Substance Use Disorder (SUD) demonstration waiver at a public forum on June 23, 2026.

The SUD waiver is authorized under section 1115 of the Social Security Act as a demonstration waiver. This waiver is an important component of the state's larger reform effort to address the opioid crisis as well as transform the health care delivery system for Medicaid members who need SUD treatment. The waiver authorizes federal Medicaid matching funds for residential programs that have been determined as Institutions for Mental Diseases, and tests the impact of evidence-based provider referral arrangements and practices on improving health outcomes for Medicaid members with SUD.

The SUD waiver was first approved by the Centers for Medicare & Medicaid Services (CMS) on August 16, 2019, and was originally effective from July 1, 2019, through June 30, 2024. The Minnesota Department of Human Services submitted an extension request to CMS on December 21, 2023, to continue the waiver for a five-year period beginning July 1, 2024. CMS provided several temporary extensions that continued the operational terms of the waiver through March 31, 2026. On March 27, 2026, CMS approved Minnesota's request to extend the waiver from April 1, 2026 through March 31, 2031.

For additional information about the SUD waiver, see:

- ***SUD waiver approval, expenditure and waiver authorities, and special terms and conditions (PDF)*** for information about CMS' approval of the SUD waiver;
- ***Quarterly Report for Demonstration Year 6, Quarter 3 (PDF)*** for the most recent CMS approved quarterly report; and
- ***Federal health care waivers with public hearings and comments*** webpage.

Under the terms of the waiver, the state must hold an annual forum to provide the public with an opportunity to comment on the progress of the waiver over the last year. All interested members of the public are invited to attend and provide comments. Comments will be recorded and shared publicly as part of the state's federal reporting requirements.

You may attend the forum via video conference or in-person. The next public forum is:

DATE: Tuesday, June 23, 2026
TIME: 1:30 – 2:30 p.m.

Video conference option
Use this ***WebEx link*** to attend virtually (at the date and time above).

In-Person Option
If you would like to attend in-person, please send an email to ***Section1115WaiverComments@state.mn.us*** so we can assure sufficient room capacity.

LOCATION: Minnesota Department of Human Services
Elmer L. Anderson Human Services Building, Room 2222
540 Cedar Street
St. Paul, MN 55101

Limited parking is available in the ramp adjacent to the building. Refer to the Department of Human Services ***Directions and parking*** webpage for more information, including additional parking options.

Official Notices

Investment Advisory Council (IAC)

Official Meeting Notice

The Investment Advisory Council (IAC) of the Minnesota State Board of Investment will meet on Wednesday, May 27, 2026, at 1:00 p.m. The meeting will be held at the Retirement Systems Building, Room 117 (Main Floor), 60 Empire Drive, St. Paul, Minnesota.

Some members of the Investment Advisory Council may participate in the meeting electronically. If an IAC Member calls in, in accordance with Minnesota Statutes, section 13D.015, subd. 4, the IAC shall, to the extent practical, allow a person to monitor the meeting electronically from a remote location.

Minnesota Pollution Control Agency (MPCA)

Environmental Analysis and Outcomes Division

Notice of Availability and Request for Comment of the 2026 Draft Impaired Waters List, 2026 Assessment Manual, and 2026 Revisions to Appendix A of the Statewide Mercury TMDL and Request for Comment

Public Comment Period Begins: **May 19, 2026**
Public Comment Period Ends: **July 22, 2026, 11:59 P.M.**

Background

Every two years, the Minnesota Pollution Control Agency (MPCA) is required by the U.S. Environmental Protection Agency (EPA), through the Clean Water Act (CWA), to submit a list of impaired waters to EPA for their review and approval. This serves as joint notice of a 60-day formal written comment period for [1] the draft 2026 Impaired Waters List [2] 2026 Assessment Manual and [3] Revisions to Appendix A of the statewide mercury TMDL.

Minnesota's 2026 Draft Impaired Waters List [1], 2026 Assessment Manual: Guidance for Assessing the Quality of Minnesota Surface Waters [2], and revisions to Appendix A of the approved mercury TMDL [3] are located at the Impaired Waters List webpage at ***https://www.pca.state.mn.us/air-water-land-climate/minnesotas-impaired-waters-list***

[1] & [2] Draft 2026 Impaired Waters List and supporting documentation

In accordance with the requirements of Section 303(d) of the CWA, the MPCA is required to list waters that do not meet standards and update that list every even-numbered year. In addition to updating this list, the MPCA updates an Assessment Manual that describes state water quality standards, the data collection and quality requirements, and assessment methods used when developing the Impaired Waters List. Both documents are found on the MPCA's Impaired Waters List webpage and are open for public comment **May 19, 2026 – July 22, 2026**:

- 2026 Draft Impaired Waters List (wq-iw1-85)
- 2026 Assessment Manual: Guidance for Assessing the Quality of Minnesota Surface Waters for Determination of Impairment 305(b) Report and 303(d) List (wq-iw1-04n)

While the entirety of both documents are open for comment, MPCA particularly requests comments on areas that have changed since the last public notice of the Impaired Waters List.

- Updates to the Impaired Waters List are (A) new 2026 impairments (indicated by "Year added to List"), and (B) Delistings and Changes and Corrections (each with their own section of the List).
- Updates to the Guidance Manual Appendix H regarding beneficial use designations of Waters Used for Production of Wild Rice.

[3] The revisions to Appendix A of the approved statewide mercury TMDL

Every two years the MPCA updates Appendix A of the EPA-approved statewide mercury total maximum daily load (TMDL). Appendix A, included in its own section of the Impaired Waters List, contains the list of lakes and river segments covered by the TMDL. New waters added to Appendix A are indicated by "Year added to List."

Submit written comments

This notice is being published today for the purpose of providing opportunity for public comment on [1] Minnesota's 2026 Draft Impaired Waters List [2] 2026 Assessment Manual: Guidance for Assessing the Quality of Minnesota Surface Waters, and [3] the revisions to Appendix A to the statewide mercury TMDL.

Written comments must:

- Indicate what the comment is regarding – either [1], [2] and/or [3], and
- Be received by SmartComments or postmarked to the agency contact listed below by **11:59 P.M. CST July 22, 2026**.

Attend a regionally or specially-focused public meeting

The MPCA will hold six public meetings to discuss the content of the Impaired Waters List including the new impairments, delistings and changes proposed for 2026. All meetings will be virtual. Online meeting information can be found at ***https://www.pca.state.mn.us/water/minnesotas-impaired-waters-list***, or email the agency contact to request additional information for any of the meetings.

Upper Mississippi River regional meeting, including Leech Lake River, Pine River, Long Prairie River, Redeye River, and South Fork Crow River watersheds

- Tuesday, June 23, 11:00 A.M. – 12:00 P.M.

Northern regional meeting, including Red Lake River, Grand Marais Creek, Thief River, Sandhill River, and Lake of the Woods watersheds

- Thursday, June 25, 11:00 A.M. – 12:00 P.M.

Southern regional meeting, including Cannon River, Zumbro River, Lower Big Sioux River, Upper Big Sioux River, Little Sioux River, and Rock River watersheds

- Tuesday, June 30, 11:00 A.M. – 12:00 P.M.

Lake Superior regional meeting, including Lake Superior South and Nemadji River watersheds

- Thursday, July 2, 11:00 A.M. – 12:00 P.M.

Statewide Assessments, focused conversation on statewide assessments of PFOS and Hg in fish tissue and statewide assessments of sulfate in waters used for production of wild rice

- Wednesday, July 8, 11:00 A.M. – 12:00 P.M.
- Thursday, July 9, 6:00 P.M. – 7:00 P.M.
- Tuesday, July 14, 11:00 A.M. – 12:00 P.M.

Agency contact person

Written comments and requests for more information should be directed to:

Leya Charles
Minnesota Pollution Control Agency
Environmental Analysis and Outcomes Division – Water Assessment Section
520 Lafayette Rd N
St. Paul, MN 55155-4194
Phone: 651-757-2510
Toll free: 1-800-657-3864
Email: ***impaired.waters.MPCA@state.mn.us***
Use your preferred relay service. | ***Info.pca@state.mn.us***

Dated: May 19, 2026

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: *https://mn.gov/admin/citizen/grants/*

Minnesota State Colleges and Universities (Minnesota State)

System Office – Career and Technical Education (CTE) Unit, Academic & Student Affairs Division

Request for Proposals (RFP) for Notice of Availability of Funds

Under the auspices of the Strengthening Career and Technical Education Act of 2018 (Perkins V), Minnesota State is authorized to utilize federal funds to support services for individuals in State institutions, including correctional settings, as well as individuals with disabilities. This grant opportunity is designed to expand access to high-quality CTE, career preparation, and employment pathways for these populations.

Currently, Minnesota State is requesting proposals from institutions that meet the following eligibility criteria:

Corrections - eligible applicants include:

- Correctional institutions or agencies, including county community correction agencies, serving justice-involved individuals
- County or state-operated correctional programs providing education, training, or reentry services
- **Minnesota State colleges and universities providing direct CTE, job training, or employment services** for individuals who are incarcerated or justice-involved, including programs delivered within correctional facilities or through formal partnerships

Disabilities - Eligible applicants include

- State institutions or agencies providing direct services to youth or adults with disabilities, including CTE, job training, work-readiness, or employment services

- **Minnesota State colleges and universities that provide inclusive education and transition support** for students with disabilities entering postsecondary education

Funds made available under the Perkins Act provide **support for capacity building of new initiatives or expansion** and must **NOT supplant** any current funding for programs and services. This request for proposals does not obligate Minnesota State to award a contract. All rights are reserved to cancel the solicitation if it is in its best interest. Any contract executed under this RFP will be dependent on funding from the US Office of Career, Technical and Adult Education (OCTAE).

Any parties interested in pursuing this grant should refer to the Request for Proposals (RFP) and the online application. **Grant applications will only be accepted through the ONLINE SYSTEM**: ***https://www.minnstate.edu/system/cte/consortium-resources/leadership-grants/corrections-disabilities-grant.html***. Online applications are **due by June 15, 2026,** with award notifications anticipated by mid-July 2026.

A grant overview presentation and handout are also available on the RFP website. An alternative format can be made available upon request. Contact Eva Scates-Winston at ***eva.scates-winston@minnstate.edu*** regarding any questions regarding the grant. If you experience any technical difficulties with the online application process, contact Sheri Hutchinson at ***sheri.hutchinson@minnstate.edu***.

The Minnesota State System Office is an equal opportunity employer and educator.

Department of Employment and Economic Development (DEED)

Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at ***https://mn.gov/deed/about/contracts/open-rfp.jsp***

Minnesota Department of Human Services

Notice of Grant Opportunities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) places notice of any available grant opportunities on the DHS Grant Requests for Proposals website: ***Open grants, RFPs and RFIs***.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over $5,000 through $50,000, may either be published in the *State Register* or posted on the Department of Administration, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at *https://mn.gov/admin/osp* for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over $50,000) for professional/technical contracts must be published in the *State Register.* Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Office of State Procurement strongly recommends meeting the following requirements: $0 - $5000 does not need to be advertised; $5,000 - $25,000 should be advertised in the *State Register* for a period of at least seven calendar days; $25,000 - $50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above $50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Contact the Office of State Procurement at: (651) 296-2600

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Large Lakes Observatory (LLO) (SDSB Project # 26-04)

The State of Minnesota, acting through University of Minnesota through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at ***https://mn.gov/admin/government/construction-projects/sdsb/projects/*** (click SDSB Project #26-04).

A mandatory informational meeting will be held on **Wednesday May 20, 2026,** at **10:00 am** CT at the Research Lab Building, 2205 E 5th Street, Duluth, Minnesota 55812 in room 200. Note: room size and parking may be limited, please plan accordingly. The meeting will include a tour of the proposed project areas and a review of the scope of work.

Any questions should be directed to Mandi T. Bailey, Design Project Manager CPM at ***tauf0008@umn.edu***. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **May 22, 2026,** no later than **2:00 p.m.** Central Time.

Proposals must be delivered to ***SDSB.Proposals.ADM@state.mn.us*** not later than **Monday June 1, 2026, by 12:00 noon CT.** Late responses will not be considered.

The University of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (Minnesota State)

Notice of Bid and Contracting Opportunities

Minnesota State advertises contract opportunities for goods and services on its Vendor and Supplier Opportunities website (***https://www.minnstate.edu/vendors/index.html***). New notices may be added daily and will remain posted for the duration specified in each individual notice. For questions or to report any issues viewing the information on the website, please email Minnesota State at ***Sourcing@MinnState.edu***.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: ***www.dot.state.mn.us/consult***

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please email the Consultant Services Helpline at ***ptconsultantserviceshelpline.dot@state.mn.us***.

Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: *https://mn.gov/admin/osp* as well as the Office of Grants Management (OGM) at: *https://mn.gov/admin/citizen/grants/*.

Catholic Charities Twin Cities

Request for Proposals- Multi-Site Food Service Management Services

Description of Request:

Catholic Charities Twin Cities is requesting proposals from qualified and licensed food service providers to deliver comprehensive food service management services across multiple shelter and residential program sites in the Twin Cities metropolitan area.

Services include meal production and service, menu planning, staffing, procurement, transportation and logistics, sanitation, equipment management, and reporting in compliance with applicable federal, state, and local regulations.

The contract will be structured as a cost-reimbursable agreement with an administrative (management) fee.

Estimated Cost or Contract Term:
Initial term of three (3) years, with the option to renew for up to two (2) additional one-year terms, for a total of five (5) years.

Mandatory Pre-Proposal Meeting:
June 10, 2026, 9:30 AM – 4:30 PM

Response Due Date:
July 1, 2026, no later than 4:00 PM (CDT)

To Obtain a Copy of the RFP:
Interested vendors may request the full Request for Proposal and submission materials by contacting:

Catholic Charities Twin Cities
Procurement Department
Email: *purchasing.office@cctwincities.org*

Other Information:
This solicitation is issued in accordance with applicable federal, state, and organizational procurement standards. Vendors must not be debarred, suspended, or otherwise excluded from participation in federally funded programs. Catholic Charities Twin Cities will verify vendor eligibility through the federal System for Award Management (SAM.gov) prior to award.

Catholic Charities Twin Cities reserves the right to reject any or all proposals and to waive informalities or irregularities in the proposal process.

Metropolitan Airports Commission (MAC)
Notice of Call for Bids for 2026 21D Bury Private Utilities

Airport Location:	**Lake Elmo Airport**
Project Name:	**2026 21D Bury Private Utilities**
MAC Contract No.:	**111-1-044**
Bids Close At:	**2:00 PM on June 17, 2026**
Bid Opening Conference Call:	**3:00 PM on June 17, 2026**
Teleconference Dial In #:	**1-612-405-6798**
Conference ID #:	**897 927 742#**

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via ***QuestCDN's website*** until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our portal (***https://metroairports.bonfirehub.com***) to receive email notifications of new business opportunities.

Small Businesses: The goal of the MAC for utilization of Small Businesses on this project is *13%*.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Construction Documents: Plans and specifications are on file for inspection at the office of Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, Saint Paul, MN 55110, 651.290.2000*;* at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and

NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a complete digital set at the ***QuestCDN website***. Bidders may download the complete set of digital documents for $22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ 10137318 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional $42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on May 18, 2026, at MAC's web address of ***https://metroairports.bonfirehub.com***.

Metropolitan Airports Commission (MAC)

Request for Qualifications for Mechanical, Electrical, Plumbing, and Technology (MEPT) Design Continuing Consultant Services

The Metropolitan Airports Commission (MAC) is requesting Statements of Qualifications (SOQs) from firms interested in providing Mechanical, Electrical, Plumbing, and Technology (MEPT) Design Continuing Consultant Services for the MAC. The selected firm(s) will work closely with MAC staff and others as determined. Submittals must be received by MAC prior to 4:00 pm on Monday June 29, 2026. Details regarding scope of services and SOQ submittal requirements will become available on June 1, 2026, via the following link: ***https://metroairports.bonfirehub.com/***. Direct questions to MAC solicitations portal or Chris Roy Director of Airport Development Project Delivery, Metropolitan Airports Commission, 6040 28th Ave. S., Minneapolis, MN 55450. Phone: 612.409.1180 or email ***chris.roy@mspmac.org***.

Minnesota Sports Facilities Authority (MSFA)

Request for Proposals for Uninterruptible Power Supply (UPS) Infrastructure Solution for Intermediate Distribution Frame (IDF)/Main Distribution Frame (MDF) Closets

Location:	**U.S. Bank Stadium**
Project Name:	**Uninterruptible Power Supply (UPS) Infrastructure Solution for Intermediate Distribution Frame (IDF)/Main Distribution Frame (MDF) Closets**
Proposals Due:	**June 5, 2026, 4:00 P.M.**

Notice to Proposers: Proposals for the project listed above will be received by the Minnesota Sports Facilities Authority (MSFA) at the office located at 1005 South 4th Street, Minneapolis, Minnesota 55415, until the date and hour indicated. The project scope includes:

Scope of Services:
The successful Proposer to the RFP will be engaged to provide a UPS infrastructure solution for IDF/MDF closets including field verification, load validation, sizing, installation, commissioning, centralized monitoring, and removal of existing equipment. Systems should be standardized where feasible, designed to meet required runtime and capacity thresholds.

NOTE: Additional specification information and other documents for the RFP are available for review on the MSFA's website at: ***https://www.msfa.com/project-opportunities.php***

AFFIRMATIVE ACTION: All proposers, applicants, prime contractors, and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women, and disabled persons.

Non-State Public Bids, Contracts & Grants

QUESTIONS: Questions concerning this solicitation should be directed to Scott McGuire, email: ***scott.mcguire@usbankstadium.com***, phone number: #612-777-8789.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposal received without explanation.

Michael Vekich, Chair
Minnesota Sports Facilities Authority

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the Constitution of the State of Minnesota, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order 26-07: Declaring a Peacetime Emergency and Continuing Assistance to Communities Impacted by Wildfires

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following executive order:

Minnesota has experienced unusually dry, hot, and windy weather this spring, creating explosive wildfire conditions throughout much of the state. Beginning on May 15, multiple active wildfires have been burning in northern Minnesota across portions of Lake, Crow Wing, and St. Louis Counties. These fires include the Steward Trail Fire near Two Harbors, which is estimated at 355 acres, and the emerging Flanders Fire in Crow Wing County, which is estimated at 1,000 acres. Current conditions could lead to the rapid spread of these fires, risking life, property, and resources.

The Department of Public Safety's Division of Homeland Security and Emergency Management ("HSEM") continues to work with multiple state and local agencies to protect threatened structures and residences, prevent additional fire growth and spread, support evacuation and shelter operations, and maintain transportation control points and emergency access routes. HSEM, the Department of Natural Resources, the Department of Transportation, the Minnesota Interagency Fire Center, and local first responders, including firefighters, law enforcement, emergency management, and public health, are working collaboratively to keep Minnesotans safe. The Minnesota Department of Natural Resources has requested fire suppression assets from the Minnesota National Guard.

These fires are endangering life and property in our state, and local resources are inadequate to address the threat. Minnesota is committed to supporting the continued emergency response efforts to contain and control these fires.

For these reasons, I declare a peacetime emergency pursuant to Minnesota Statutes 2025, section 12.31 and order as follows:

1. HSEM will continue to support the coordination of onsite resources and assistance to affected local governments and determine the need for supplemental emergency assistance.
2. All relevant state agencies, in cooperation with appropriate federal agencies, will provide the assistance

necessary to help local units of government respond to and recover from this emergency.

3. The Adjutant General is authorized to order to state active duty the personnel, equipment, facilities, and resources needed to provide assistance throughout Minnesota.
4. The Adjutant General is authorized to procure the goods and services needed to accomplish the mission.
5. The costs of this assistance shall be paid from the general fund as allowed by Minnesota Statutes 2025, section 192.52.

This Executive Order and declaration of peacetime emergency are effective immediately under Minnesota Statutes 2025, section 4.035, subd. 2. The peacetime emergency declared in this Executive Order expires in accordance with Minnesota Statutes 2025, section 12.31, subd. 2. The remainder of this Executive Order, including the activation of the Minnesota National Guard, remains in effect until the emergency conditions caused by the wildfires subside or June 7, 2026, whichever occurs first.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 17, 2026.

Tim Walz, GOVERNOR

Filed According to Law:

Steve Simon, SECRETARY OF STATE

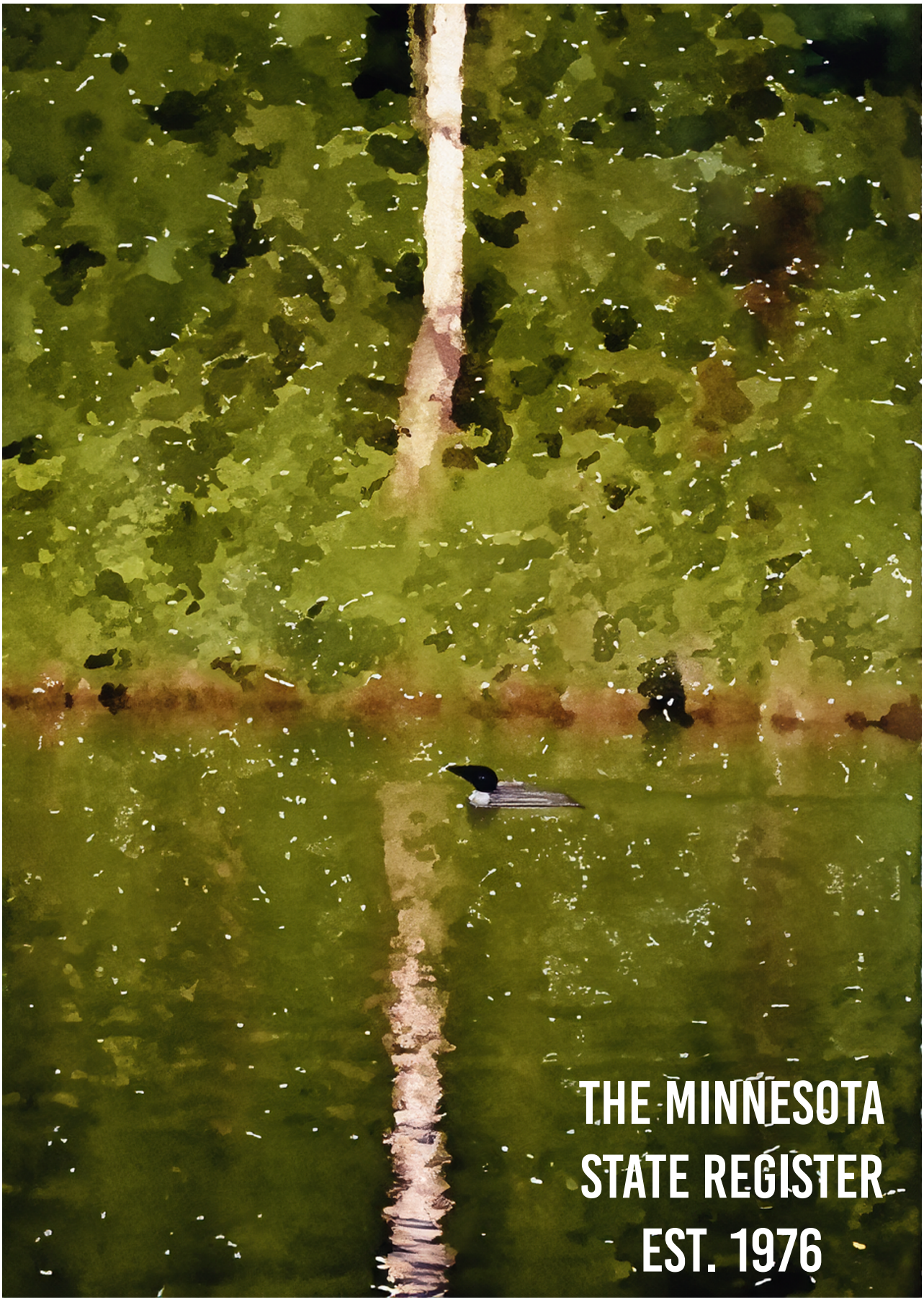

THE MINNESOTA
STATE REGISTER
EST. 1976

EXHIBIT G-1

CERTIFICATE OF SENDING THE NOTICE OF HEARING TO THE RULEMAKING MAILING LIST; CERTIFICATE OF ACCURACY OF THE MAILING LIST

Minnesota Pollution Control Agency

Proposed New Rules Governing Air Toxics Regulations, *Minnesota Rules* Chapter 7012; with Amendments to Chapter 7007; Revisor's ID Number R04807; Court of Administrative Hearings Docket No. 5-9003-39347

I certify the following:

1. On Monday, May 18, 2026, at least 33 days before the end of the comment period, in Saint Paul, Ramsey County, Minnesota, I delivered the Notice of Intent To Adopt Rules With a Hearing, Statement of Need and Reasonableness (SONAR), and proposed rules by sending links through the GovDelivery system to all persons on the rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a. A copy of the GovDelivery bulletin is attached to this certificate.
2. The list of parties who have requested that their names be placed on the MPCA's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of May 18, 2026.

__/s/ Jennifer Hathaway_____
Jennifer Hathaway
Information Officer

From: Minnesota Pollution Control Agency
To: Ruiter, Dan (MPCA); Strohl, Daniel (MPCA); Blackstock, Mary (MPCA); Brooks, Ned (MPCA); Andre, Paul (MPCA); Lentz, Becky (MPCA); Fay, Brianna (She/Her/Hers) (MPCA); Kepulis, Kathryn (MPCA); Lewandowski, Lauren (MPCA); Lamers, Kate (MPCA); Hathaway, Jennifer (She/Her/Hers) (MPCA); Izzo, Katie (She/Her/Hers) (MPCA); Michels, Tanja (MPCA); Beyer, Lindsey (MPCA); Backstrom, Erica (She/Her/Hers) (MPCA); Barto, Kelly (She/Her/Hers) (MPCA); Badzinski, Joel (MPCA); Olson, Adam (He/Him/His) (MPCA); Gaffney, Kevin (MPCA); Meyer, Glenn (MPCA); Farley, Chris (He/Him/His) (MPCA); MN_PCA_Smallbizhelp; Swanson, Aneka (She/Her/Hers) (MPCA); Weidemann, Lisa (She/Her/Hers) (MPCA); alyssia.bell@state.mn.us; Letnes, Yolanda (She/Her/Hers) (MPCA); Held, Ted (MNIT); Wenger, Maggie (MPCA); Godfrey, Beverly (She/Her/Hers) (MPCA); Otto, Addison (She/Her/Hers) (MPCA); Rollin, SaraThurin (She/Her/Hers) (MPCA)
Subject: Courtesy Copy: Notice of Intent to Adopt Rules With a Hearing—Air Toxics Regulations
Date: Monday, May 18, 2026 12:01:30 PM

This is a courtesy copy of an email bulletin sent by Jenn Hathaway.

This bulletin was sent to the following groups of people:

Subscribers of MPCA Environmental Justice Issues, Rulemaking: Air toxics emissions reporting, Rulemaking: Air toxics regulations, or Small Business Environmental Assistance Program (17818 recipients)


Minnesota Pollution Control Agency logo on white background

Proposed rules

Air toxics rulemaking

May 18, 2026

In 2023, the Legislature passed an air toxics law, mandating the Minnesota Pollution Control Agency (MPCA) develop and adopt legislatively mandated rules regarding air toxics regulation. On May 18, 2026, the MPCA published legal notice of its intent to adopt these legislatively mandated rules in the State Register: Minnesota State Register Volume 50 Number 46

The proposed rule will affect more than 500 regulated facilities in the seven-county metro area. Air toxics are known or suspected to have negative health effects including cancer, reproductive effects, and birth defects.

The MPCA's notice of intent to adopt rules is in the May 18, 2026 edition of the *State Register.* The notice is also available on the rule-specific page of MPCA's website.

To learn more about the air toxics rulemaking, please attend an informational webinar on June 8 at 6 p.m., hosted by the MPCA.

Join Zoom meeting

What does this mean?

The main purpose of the air toxics rules is to implement and govern regulation of facilities that emit air toxics as directed by the Minnesota Session Law — 2023, H.F. No. 2310, chapter 60, article 8, section 5. This rule applies to facilities with an air permit located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties, referred to as "the seven metropolitan counties." The session law exempts facilities whose emissions are from the purchase or use of less than 2,000 gallons of volatile organic compounds (VOC)-containing material per year.

The proposed rules implement a new process for facilities to gather actual air toxics emissions to determine if the facility's air toxics emissions must be evaluated further for risks to human health or the environment. The proposed rules require facilities to address risks that exceed acceptable risk levels defined in the proposed rules. The proposed rules will address hazardous air pollutants (HAPs), per- and polyfluoroalkyl substances (PFAS), and other air toxics pollutants that pose health risks.

You and all interested or affected parties have several options to participate. The Administrative Law Judge (ALJ) will accept your comments orally at the hearing or in writing during the comment periods listed below. Electronic submittal is available through the Court of Administrative Hearing's eComments website, with mailed, faxed or in-person delivery options listed in the notice of intent to adopt. The ALJ will consider all comments equally, regardless of how they are submitted.

Prehearing: You can submit prehearing comments until **4:30 p.m. on July 17, 2026**; this deadline will allow MPCA staff to prepare a response in time for presentation at the public hearing.

Hearing: Judge James Mortenson will conduct two virtual public hearings via WebEx on these proposed rules. Each hearing will cover the same content and format. Interested parties may choose the option that works best for their schedule, and do

not have to attend both hearings.

For a video and audio connection, you can join the hearing through an internet connection at https://minnesota.webex.com

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

Monday, Oct. 5, 2026 web link: https://minnesota.webex.com/minnesota/j.php?MTID=mc0fca600c038119a8a5fe559f90159d5

- Meeting number for Oct. 5, 2026 at 6:30 p.m. (access code): # 2483 307 5370
- Password for Oct. 5: # xfHHTYMP633 (93448967 when dialing from a phone or video system)

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

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

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

Tuesday, Oct. 6, 2026 web link: https://minnesota.webex.com/minnesota/j.php?MTID=mdc96a6d731d04b3e80b2f6dffc243318

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

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

Call: 1-415-655-0003 (this is not a toll-free number)

Access code: 2496 126 6523

Password: 33858622

Post-hearing: You can still submit written material to the ALJ to be recorded in the hearing record until **4:30 p.m. on Nov. 2, 2026**.

All comments received are public data and will be available for review on the CAH eComments website immediately, and on the MPCA's website at https://www.pca.state.mn.us/get-engaged/air-toxics-regulations as quickly as agency staff can update it.

For reference, the air toxics regulations rule can be found at the Revisor's ID No. R04807 and Court of Administrative Hearings (CAH) Docket No. 5-9003-39347, and proposes:

- Amendments to *Minnesota Rules* Chapter 7007, and
- New rule language for *Minnesota Rules* Chapter 7012.

The Minnesota Pollution Control Agency is a state agency committed to ensuring that every Minnesotan has healthy air, sustainable lands, clean water, and a better climate.

MPCA logo

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CERTIFICATE OF GIVING ADDITIONAL NOTICE UNDER THE ADDITIONAL NOTICE PLAN

Minnesota Pollution Control Agency

Proposed New Rules Governing Air Toxics Regulations, *Minnesota Rules* Chapter 7012; with Amendments to Chapter 7007; Revisor's ID Number R04807; Court of Administrative Hearings Docket No. 5-9003-39347

I certify that on Monday, May 18, 2026, (or another date as noted below), at St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Court of Administrative Hearings on April 29, 2026. I met the components of the approved plan through the following actions:

1. Provided an extended comment period by scheduling a 60-day pre-hearing comment period on the new proposed rules and proposed rule amendments.

2. Scheduled a public meeting to be held on June 8, 2026, during the 60-day comment period to provide information on the proposed rules and proposed rule amendments and take questions from stakeholders. The recording of this June 8, 2026 public meeting was posted on the MPCA website at: https://www.pca.state.mn.us/get-engaged/air-toxics-regulations

3. Provided specific notice to the designated contacts for the tribal authorities of the 11 federally recognized tribes in Minnesota via email with a hyperlink to the electronic copies of the Notice of Intent to Adopt Rules with a Hearing, Statement of Need and Reasonableness (SONAR), and the proposed rules text.

4. Provided specific notice to permittees potentially affected by the proposed rule via email with a hyperlink to the electronic copies of the Notice of Intent to Adopt Rules with a Hearing, SONAR, and proposed rules text.

5. Provided specific notice to the professional associations, community organizations and other groups identified in the Additional Notice Plan section of the SONAR via email with a hyperlink to the electronic copies of the Notice of Intent to Adopt Rules with a Hearing, SONAR, and proposed rule text.

6. Provided a bulletin in the May 28, 2026 edition of the MPCA's Air Mail newsletter with information on the open comment period and the June 8 public meeting, including

hyperlinks to the meeting details, Notice of Intent to Adopt Rules with a Hearing, SONAR, and proposed rule text.

7. Posted relevant rulemaking updates and associated documents, including the Notice of Intent to Adopt Rules with a Hearing, the SONAR, and the proposed rule text, on the Air Toxics Regulations rulemaking webpage at https://www.pca.state.mn.us/get-engaged/air-toxics-regulations.

Date: 05/22/2026

Erica L Backstrom

Erica Backstrom
Rule Coordinator

EXHIBIT J

J. Not enclosed: This exhibit J is reserved for a copy of the document from the Chief Judge authorizing the agency to omit the text of any proposed rule from the Notice of Intent to Adopt at a hearing published in the *State Register.* This is not applicable for this rulemaking as the proposed rules were published in the *State Register*.

EXHIBIT K-1

Minnesota Pollution Control Agency

CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE COORDINATING COMMISSION

Proposed New Rules Governing Air Toxics Regulations, *Minnesota Rules* Chapter 7012; with Amendments to Chapter 7007; Revisor's ID Number R04807; Court of Administrative Hearings Docket No. 5-9003-39347

I certify that on Monday, May 18, 2026, after the Agency published the Notice of Intent to Adopt Rules with a Hearing under Minnesota Statutes, section § 14.14, I sent a copy of the Notice, the Revisor's Certified copy of the Proposed Rules, the Statement of Need and Reasonableness (SONAR) and all four SONAR Exhibits 1-4 to certain Legislators and the Legislative Coordinating Commission by sending electronic copies via email. I emailed these documents to comply with Minnesota Statutes, section § 14.116. A copy of the cover letter is attached to this Certificate.

Date: 05/22/2026

Erica L Backstrom

Erica Backstrom
Rule Coordinator

EXHIBIT K-2

From:	Backstrom, Erica (She/Her/Hers) (MPCA)
To:	sen.foung.hawj@mnsenate.gov; sen.jennifer.mcewen@mnsenate.gov; sen.steve.green@mnsenate.gov; Sen.John.Marty@mnsenate.gov; Sen.Nick.Frentz@mnsenate.gov; sen.eric.pratt@mnsenate.gov; rep.josh.heintzeman@house.mn.gov; rep.peter.fischer@house.mn.gov; rep.john.burkel@house.mn.gov; Kristi Pursell; rep.rick.hansen@house.mn.gov
Cc:	lcc@lcc.leg.mn; kara.josephson@mnsenate.gov; Johnson, Tom (MPCA); Donath, Alexis (MPCA)
Subject:	Air Toxics Regulations rulemaking: Notice of Intent published
Date:	Monday, May 18, 2026 10:42:00 AM
Attachments:	image001.png Air Toxics Regulations NOIA letter to legislators.pdf R04807 Certified Revisor Copy of the Proposed Rules (ag-rule4-12l).pdf R04807 Notice of Intent to Adopt Rules (ag-rule4-12m).pdf R04807 Air Toxics Regulations Statement of Need and Reasonableness (ag-rule4-12n).pdf R04807 SONAR Exhibit S1-Other States" Air Toxics Regulations (ag-rule4-12o).pdf R04807 SONAR Exhibit S2-Screening Threshold Value Development (ag-rule4-12p).pdf R04807 SONAR Exhibit S3-Inhalation Health Benchmarks (ag-rule4-12q).pdf R04807 SONAR Exhibit 4 - STRATA Spreadsheet (ag-rule4-12r).xlsx

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Good morning!

The Minnesota Pollution Control Agency has published a Notice of Intent to Adopt regarding its Air Toxics Regulations rulemaking (Revisor's ID #R-04807) in today's edition of the *State Register*. The following documents are attached:

1. MPCA Cover letter for Notice of Intent to legislators
2. Notice of Intent to Adopt Rules with a Hearing
3. Revisor's Certified Proposed Rules for R04807
4. Air Toxics Regulations Statement of Need and Reasonableness (SONAR)
5. SONAR Exhibit 1 - Other States' Air Toxics Regulations
6. SONAR Exhibit 2 - Screening Threshold Value Development
7. SONAR Exhibit 3 – Inhalation Health Benchmarks (
8. SONAR Exhibit 4 – Screening Threshold for Regulated Air Toxics Analysis (STRATA) Spreadsheet (Accessible Excel Spreadsheet)

Best,

Erica Backstrom
Rule Coordinator | Resource Management & Assistance
Pronouns: she/her/hers

Minnesota Pollution Control Agency
525 Lake Avenue South, Suite 400
Duluth, MN 55802
O: 218-302-6659
Our mission is to protect and improve the environment and human health. | pca.state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

From:	Schoonover, Garrett (He/Him/His) (MMB)
To:	Backstrom, Erica (She/Her/Hers) (MPCA)
Cc:	Wenger, Maggie (MPCA); Lardinois, Nick (MMB)
Subject:	Re: Air Toxics Regulations rule (R04807): Notice package for MMB review
Date:	Wednesday, May 20, 2026 10:14:07 AM
Attachments:	image002.png image003.png MEMO - Air Toxics Regulations Rule Review.pdf Outlook-Minnesota .png

Hi Erica,

Thanks for your patience waiting for this. Attached is my review of the proposed rule changes - please let me know if you have any questions.

Best,

Garrett Schoonover
Executive Budget Officer | Budget Services
Pronouns: he/him/his

Minnesota Management and Budget
658 Cedar Street
Saint Paul, MN 55155
651-201-8105 (office)
612-900-8692 (mobile)
mn.gov/mmb

MANAGEMENT AND BUDGET

From: Backstrom, Erica (She/Her/Hers) (MPCA) <Erica.Backstrom@state.mn.us>
Sent: Wednesday, April 8, 2026 2:05 PM
To: Schoonover, Garrett (He/Him/His) (MMB) <Garrett.Schoonover@state.mn.us>
Cc: Wenger, Maggie (MPCA) <Maggie.Wenger@state.mn.us>
Subject: RE: Air Toxics Regulations rule (R04807): Notice package for MMB review

Sounds great.

Thank you!
Erica

From: Schoonover, Garrett (He/Him/His) (MMB) <Garrett.Schoonover@state.mn.us>

Sent: Wednesday, April 8, 2026 10:06 AM
To: Backstrom, Erica (She/Her/Hers) (MPCA) <Erica.Backstrom@state.mn.us>
Cc: Wenger, Maggie (MPCA) <Maggie.Wenger@state.mn.us>
Subject: Re: Air Toxics Regulations rule (R04807): Notice package for MMB review

Thank you Erica, confirming that I've received the documents for these proposed rule changes. I will review and return my findings as soon as I'm able to, and will let you know if I have any questions in the meantime.

Best,

Garrett Schoonover
Executive Budget Officer | Budget Services
Pronouns: he/him/his

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MANAGEMENT AND BUDGET

From: Backstrom, Erica (She/Her/Hers) (MPCA) <Erica.Backstrom@state.mn.us>
Sent: Wednesday, April 8, 2026 8:57 AM
To: Schoonover, Garrett (He/Him/His) (MMB) <Garrett.Schoonover@state.mn.us>
Cc: Wenger, Maggie (MPCA) <Maggie.Wenger@state.mn.us>
Subject: Air Toxics Regulations rule (R04807): Notice package for MMB review

Good morning!

As required by Minnesota Statutes, section 14.131, I am sending you a package of documents for MMB review related to the Notice of Intent to Adopt for the Air Toxics Regulations rule project (R04807).

Please let me know if you need anything else from me.

Warmly,

Erica

Erica Backstrom
Rule Coordinator | Resource Management & Assistance
Pronouns: she/her/hers

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Date: May 20, 2026

To: Erica Backstrom
Rule Coordinator
Minnesota Pollution Control Agency

From: Garrett Schoonover
Executive Budget Officer
Minnesota Management and Budget

Subject: M.S. 14.131 Review of Proposed Rules Governing Air Toxics Regulations, Minnesota Rules, Chapters 7007 & 7012

RE: Air Toxics Regulations

Background

The Minnesota Pollution Control Agency (MPCA) proposes to codify Minnesota Rules, Chapter 7012, to establish rules to govern facilities that emit air toxics in the seven metropolitan counties. The proposed rules would also make conforming changes to Minnesota Rules, Chapter 7007 to properly reference the new rules. This rulemaking process was directed by the requirements under Laws 2023, chapter 60, article 8, section 5. Pursuant to M.S. 14.131, MPCA has requested Minnesota Management and Budget evaluate the proposed amendments for fiscal impacts on and/or benefits to units of local government.

Evaluation

On behalf of the Commissioner of Minnesota Management and Budget, I have reviewed the proposed changes and the draft of the Statement of Need and Reasonableness (SONAR) to evaluate the fiscal impact these changes may have on local governments.

The proposed rules specify the process that air toxics emitting facilities must follow to meet new screening and monitoring requirements, which will fill current gaps in air regulations. The relevant facilities would be required to analyze and report their emissions of air toxics; if their emissions are above the screening thresholds for further assessment, they will need to either complete a risk analysis that shows their emissions are below acceptable risk levels or be required to take actions to bring the facility into compliance.

As the regulatory agency, MPCA would have the sole responsibility for enforcing the proposed rules. Local governments would not have delegated authority and would not be involved in the process from the regulatory side. It is possible that some cities will have costs associated with complying with the proposed rules if adopted,

if they own a regulated facility. However, the costs of complying for each city-owned facility would likely be minimal, according to the survey described in the draft SONAR.

This rule change would not have a material impact on any local unit of government in Minnesota and would establish new requirements for air toxics emitting facilities as required by Laws 2023, chapter 60, article 8, section 5.

Sincerely,

Garrett Schoonover
Executive Budget Officer (MMB)

Cc: Nick Lardinois, Director of Budget Policy and Analysis

EXHIBIT L

L: Not enclosed: additional documents received during the hearing, post-hearing, and rebuttal periods.

L-1. Copy of slides from the MPCA presentation at the October 5, 2026 and October 6, 2026, rule hearings.

L-2. Hearing Comments. Will be submitted as a transcript from the Court Reporter once complete.

L-3. Post-hearing comments.

L-4. Agency preliminary response to post-hearing comments.

L-4. Rebuttal comments.

L-5. Agency final response to post-hearing and rebuttal comments.