MINNESOTA
COURT OF
ADMINISTRATIVE
HEARINGS

Public Hearings – October 5 & 6, 2026

Proposed New Rules and Amendments to Rules Governing Air Toxics (Minnesota Rules chapters 7007 and 7012)

Revisor's ID No. R04807
CAH Docket No. 5-9003-39347

aq-rule4-12v

Introduction

- **The Court of Administrative Hearings (CAH)** is an executive branch court that provides fair, timely, and impartial hearings.
- The CAH is **independent** from the Minnesota Pollution Control Agency and all other parties to this proceeding.
- **Hearing Purpose:** To allow the agency to present its proposed rules and to receive public comments on those proposed rules.

Administrative Law Judge
Jim Mortenson

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Wisdom of the Group

Rules are laws the legislature permits agencies to make. Rulemaking hearings are conducted so that members of the public can participate and be heard.

In addition to the expertise of the agency, members of the public contribute their thoughts, experience, and expertise to the formation of rules.

Your participation in rulemaking is essential to creating fair and thoughtful laws.

Rulemaking is better because of the WISDOM OF THE GROUP.



Key Issues

1. Does the agency have legal authority to adopt the rules?
2. Has the agency fulfilled all relevant legal and procedural requirements to promulgate the rules?
3. Has the agency demonstrated the need and reasonableness of each portion of the proposed rules?



Other Considerations

1. Is the rule rationally related to the agency's objectives?
2. Is the rule substantially different than the proposed rule and, if so, did the agency follow Minn. R. 1400.2110?
3. Does the rule exceed, conflict with, or not comply with the enabling statute(s) or other applicable law?
4. Does the rule grant the agency discretion beyond what is allowed by the enabling statute(s) or other applicable law?
5. Is the rule unconstitutional or otherwise illegal?
6. Does the rule improperly delegate the agency's powers to another agency, person, or group?
7. Is the rule not a "rule" as defined in Minn. Stat. § 14.02, subd. 4, or by its own terms cannot have the force and effect of law?
8. Is the rule vague, ambiguous, or in conflict with other rule parts?



See Standard of Review Minn. R. 1400.2100

Tips



Important Practice Tip!

It's not what would be a better rule or better policy

- Focus on the issues that the ALJ reviews (R. 1400.2100)
- Specifically identify rule parts in your comments
- Submit comments early in comment period to increase impact
- Explain to the Judge how the rules will work in real life
- Consider how the rule parts work together and with other rules and laws
- Keep it simple

Ways to Comment

(1) Offer **oral comments** at this hearing

(2) Offer **written comments** electronically, by mail, or by fax

Electronically at: https://minnesotaoah.granicusideas.com/discussions

By **U.S. mail** to:

Court of Administrative Hearings
Attn: William Moore
P.O. Box 64620
St. Paul, MN 55164-0620

By **Fax** to 651-539-0310

Important: Please include "PCA Air Toxics Rules" and 5-9003-39347 in your mailed submission

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Agency Panel

mn.gov/cah

Exhibits

- Purpose:
  - Document legal authority of the MPCA to adopt the proposed rule;
  - Demonstrate that the agency has fulfilled all relevant legal and procedural requirements; and
  - Demonstrate the need for and reasonableness of each portion of the proposed rules.

List of exhibits

Exhibit	Description
A	The July 24, 2023, Requests for Comments
B	Petition for Rulemaking (N/A)
C	Proposed rule, including Revisor's approval
D	Statement of Need and Reasonableness (SONAR) and Exhibits S-1, S-2, S-3, and S-4
E	Letter mailing the SONAR to the Legislative Reference Library
F	The May 18, 2026, Notice of Hearing
G	Certificate of Sending Notice to the Mailing List and Certificate of Accuracy
H	Certificates of Giving Additional Notice under the Additional Notice Plan
I	Written comments received during the comment periods, and MPCA response to pre-hearing comments
J	Chief ALJ authorization for omission of proposed text, if applicable (N/A)
K	Any other documents or evidence to show compliance with law or rule
L	Comments and materials submitted during the hearing



Proposed Air Toxics Regulations Rule

Public hearing

CAH Docket No. 21-9003-39347

Cassandra Meyer | Engineer

October 5 & 6, 2026

MINNESOTA POLLUTION CONTROL AGENCY

Agenda

- Rulemaking resources
- Proposed air toxics regulations rule
  - Statutory authority and directives
  - Rule applicability
  - Proposed rule overview
  - Session law requirements



MPCA rulemaking resources

Air toxics regulations rulemaking

- https://www.pca.state.mn.us/get-engaged/air-toxics-regulations
- Where we post rulemaking documents and other information
- Links to recordings of previous public meetings and webinars
- Links to where interested parties can submit written comments

Air Toxics Regulations rulemaking webpage mnpca.info/94



Statutory authority and directives

Air Toxics Regulations Rule
Revisor ID: R-04807

Minnesota Session Law – 2023, Chapter 60, article 8, section 5 (H.F. No. 2310) provides a framework for these rules and identifies obligations

- Subdivision 1. **Definitions.**
- Subd. 2. **Application.**
- Subd. 3. **Rulemaking required.**
- Subd. 4. **Content of rules.**
  - (a) The rules required under subdivision 3 must address, at a minimum . . .
  - (b) In developing the rules, the commissioner must establish testing, monitoring, reporting, record-keeping, and inspection requirements for facilities that reflect . . .
- Subd. 5. **Modifying permits.**
- Subd. 6. **Rulemaking costs.**

Rulemaking directives

- Minnesota Session Law – 2023, Chapter 60, article 8, section 5 identifies specific directives regarding the adoption of these rules
  - Adopt rules to implement and govern regulation of facilities that emit air toxics
  - Publish the notice of intent to adopt within 36 months of May 25, 2023
  - Directives regarding what the adopted rules must address at a minimum

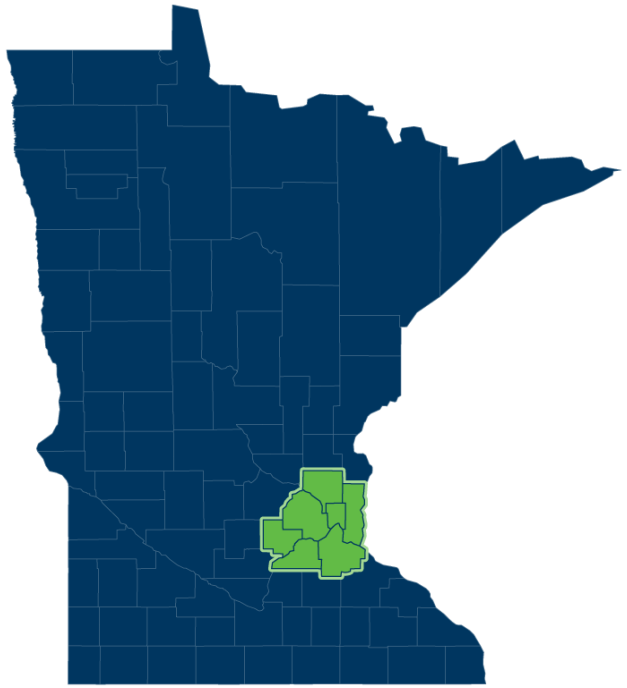


Rule applicability

Applicability

Where

Applies in **the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.**



Who

Applies to facilities that emit air toxics

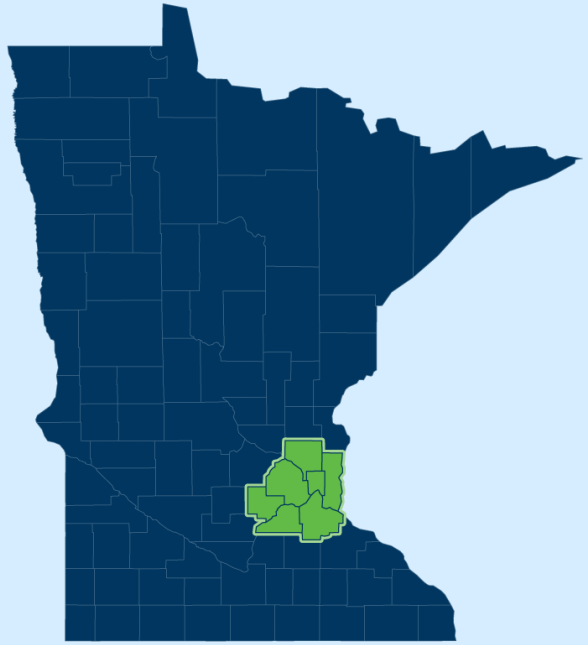
including, at a minimum, facilities that have been issued an air quality permit, **other than an Option B registration permit** under Minnesota Rules, part 7007.1120, and that:

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

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

Content of rules, must address at a minimum

- **specific air toxics** to be regulated, including those defined in session law
- **types of facilities** to be regulated, including facilities that have been issued an air quality permit by the commissioner, and that:
  - emit air toxics, whether the emissions are limited in a permit or not; or
  - purchase or use material containing volatile organic compounds
- **performance tests** conducted by facilities to measure the volume of air toxics emissions and testing methods, procedures, protocols, and frequency
- **required monitoring of emissions**, including using continuous emission monitoring systems for certain facilities, and monitoring of production inputs or other production parameters
- **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
- **record keeping** related to air toxics emissions
- **frequency of facility inspections and inspection activities** that provide information about air toxics emissions





Proposed rule overview

Air toxics and other definitions

- **rulemaking –** the process used by government agencies to create, modify, or repeal rules and regulations. These rules and regulations are a form of administrative law that governs the conduct of individuals, businesses, and other entities within the jurisdiction of the relevant government agency.
- **air toxics –** pollutants, except for criteria pollutants, that are known or suspected to cause cancer or other serious health effects or adverse environmental effects and ecological effects.
- **hazardous air pollutants (HAPs) –** 188 air toxics defined in the Clean Air Act.
- **inhalation health benchmark–** also known as an air guidance value, these are concentrations of a chemical that is likely to pose little or no risk to human health. These values are used in analyses to determine human health risks from exposure to chemicals in the air.
- **criteria pollutants –** six commonly found air pollutants that have ambient air standards, as required in the Clean Air Act.
  - carbon monoxide
  - lead*
  - nitrogen dioxide
  - ozone
  - particulates (PM10/PM2.5)
  - sulfur dioxide

Air toxics examples

Air toxics

Can include:

- metals
- dioxins/furans
- benzene
- PFAS (forever chemicals)
- and more

Sources

Can include:

- combustion:
  - boilers (Industrial facilities, hospitals, schools, etc.)
  - transportation*
- wildfires* & recreational fires*
- manufacturing
- chemical use and storage
- other industry (e.g. mines, grain mills, foundries)

Impacts

Can include:

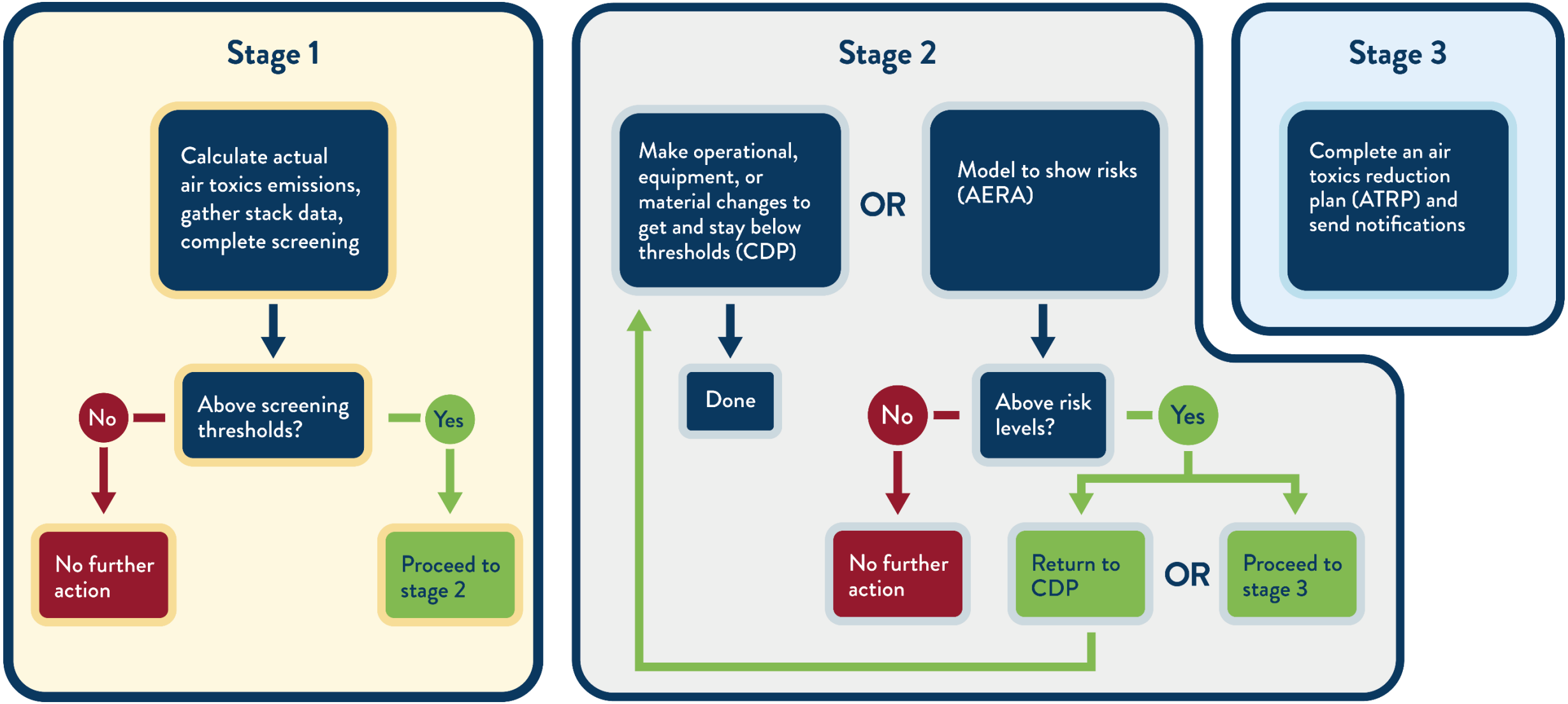
- cancer (dependent on toxic)
- respiratory issues
- cardiovascular issues
- other health effects



Proposed rules process flowchart

Key terms:

- CDP: Compliance determination protocol
- AERA: Air emissions risk analysis
- ATRP: Air toxics reduction plan





Session law requirements

Overview

- Rules crafted to align with statutory obligations and directives
- New air toxics regulations rules in **chapter 7012**
- Updates and edits within chapter 7007
  - **Minn. R. 7007.0100**
  - **Minn. R. 7007.1100**
  - **Minn. R. 7007.1125 - 7007.1140**
  - **Minn. R. 7007.1145 - 7007.1146**

Chapter 7012 requirements

CHAPTER – 7012 AIR TOXICS REGULATIONS

- Part 7012.0050 – APPLICABILITY; OTHER LAW
- Part 7012.0055 – DEFINITIONS.
- Part 7012.0060 – EXEMPTIONS BY PERMIT TYPE
- Part 7012.0070 – EXEMPTION; AIR EMISSIONS RISK ANALYSIS IN…
- Part 7012.0100 – COMPLETE SUBMISSIONS.
- Part 7012.0140 – CERTIFYING SUBMISSIONS.
- Part 7012.0150 – AIR TOXICS SCREENING THRESHOLD ANALYSIS.
- Part 7012.0160 – REPEATED AIR TOXIC SCREENING THRESHOLD ANALYSIS.
- Part 7012.0170 – ADDITIONAL SCREENING THRESHOLD ANALYSIS.
- Part 7012.0200 – AIR TOXICS SCREENING THRESHOLD ANALYSIS; SUBMISSION DEADLINES AND CERTIFICATION
- Part 7012.0300 – AIR TOXICS SCREENING THRESHOLD VALUES; …
- Part 7012.0400 – AIR TOXICS SCREENING THRESHOLD ANALYSIS;…
- Part 7012.0450 – COMPLIANCE DETERMINATION PROTOCOL.
- Part 7012.0500 – REVISING COMPLIANCE DETERMINATION PROTOCOLS.
- Part 7012.0530 – MODELING REQUIRED
- Part 7012.0550 – AIR EMISSIONS RISK ANALYSIS PROTOCOL.
- Part 7012.0555 – AIR EMISSIONS RISK ANALYSIS PROTOCOL; SUBMISSION DEADLINES.
- Part 7012.0558 – INCORPORATION BY REFERENCE; AIR EMISSIONS RISK ANALYSIS.
- Part 7012.0560 – AIR EMISSIONS RISK ANALYSIS REPORT
- Part 7012.0565 – AIR EMISSIONS RISK ANALYSIS REPORT; SUBMISSION DEADLINES.
- Part 7012.0568 – NOTIFICATION TO POTENTIALLY IMPACTED RESIDENTS.
- Part 7012.0570 – AIR TOXICS REDUCTION PLAN; REQUIREMENTS.
- Part 7012.0600 – RECORD KEEPING.
- Part 7012.0650 – AMBIENT AIR MONITORING REQUIREMENTS.

Session law requirements, subd. 4(a); subitems 1-3

- Subitem 1 for specific air toxics covered by the following –
  - Air toxics screening threshold values in part **7012.0300;**
  - Air emissions risk analysis protocol in part **7012.0550**.
- Subitem 2 for types of facilities to be regulated covered by the following –
  - Definition of applicable requirement in part **7007.0100**;
  - Definition of air toxics facility in part **7012.0055**;
  - Exemptions by permit type in part **7012.0060**.
- Subitem 3 for performance tests covered by the following –
  - Compliance determination protocol in part **7012.0450**.
  - Air toxics reduction plan; requirements in part **7012.0570**.

Session law requirements, subd. 4(a); subitem 4

- Subitem 4 for required monitoring covered by the following –
  - Exemptions by permit type in part **7012.0060**.
  - Repeated air toxic screening threshold analysis in part **7012.0160**.
  - Additional screening threshold analysis in part **7012.0170**.
  - Compliance determination protocol in part **7012.0450**.
  - Modeling required in part **7012.0530**.
  - Air emissions risk analysis report in part **7012.0560**.
  - Air emissions risk analysis report; submission deadlines in part **7012.0565**.
  - Notification to potentially impacted residents in part **7012.0568**.
  - Air toxics reduction plan; requirements in part **7012.0570**.
  - Ambient air monitoring requirements in part **7012.0650**.

Session law requirements, subd. 4(a); subitem 5

- Subitem 5 for reporting information to the agency covered by the following –
  - Exemptions by permit type in part **7012.0060**.
  - Exemption; Air emissions risk analysis in lieu of screening threshold analysis in part **7012.0070**.
  - Complete submissions in part **7012.0100.**
  - Certifying submissions in part **7012.0140.**
  - Air toxics screening threshold analysis in part **7012.0150.**
  - Repeated air toxic screening threshold analysis in part **7012.0160**.
  - Additional screening threshold analysis in part **7012.0170**.
  - Air toxics screening threshold analysis; submission deadlines and certification in part **7012.0200**.
  - Air toxics screening threshold analysis method of calculating emissions in part **7012.0400**.
  - Compliance determination protocol in part **7012.0450**.
  - Revising compliance determination protocols in part **7012.0500.**
  - Air emissions risk analysis protocol in part **7012.0550.**
  - Air emissions risk analysis protocol; Submission deadlines in part **7012.0555**.
  - Incorporation by reference; air emissions risk analysis in part **7012.0558**.
  - Notification to potentially impacted residents in part **7012.0568**.
  - Air emissions risk analysis report in part **7012.0560**.
  - Air toxics reduction plan; requirements in part **7012.0570**.

Session law requirements, subd. 4(a); subitems 6-7

- Subitem 6 for record keeping covered by the following –
  - Exemptions by permit type in part **7012.0060**.
  - Air toxics screening threshold analysis in part **7012.0400**.
  - Compliance determination protocol in part **7012.0450**.
  - Air emissions risk analysis report in part **7012.0560**.
  - Air toxics reduction plan; requirements in part **7012.0570**.
  - Recordkeeping in part **7012.0600**.
- Subitem 7 for inspections and inspection activities
  - Recordkeeping in part **7012.0600**.

Thank you!

Air Toxics Regulations rulemaking webpage mnpca.info/94

Thank you for your time and interest in participating in this rulemaking!

Public Questions and Comments

Administrative Law Judge
Jim Mortenson

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- In **WebEx**, type your name into the **Chat** box to request to speak and be placed in the queue
- To comment by **phone**, press ***3** to be placed in the queue
  - Press *3 again if you would like to remove yourself from the queue

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Brief Intermission

Our Hearing Will Resume Soon

To be added to the speaking queue:

Via Webex: Type your name into the Chat box

Via Phone: Dial *3

We will unmute you when it is your turn to provide verbal comments or questions.

Comment Deadline Reminder



Post-hearing comments must be received by

4:30 p.m. on

November 3, 2026

Rebuttals must be received by

4:30 p.m. on

November 10, 2026

Docket No. 5-9003-39347

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Thank you!

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