

1 Pollution Control Agency

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3 Adopted Rules Relating to Indirect Source Permits

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5 Rules as Adopted

6 6 MCAR S 4.4311 Scope.

7 Rules 6 MCAR SS 4.4001-4.4021 and 4.4311-4.4321 govern
8 application procedures for and the issuance and conditions of
9 indirect source permits. Rules 6 MCAR SS 4.3001-4.3011;
10 4.4001-4.4021 and 4.4311-4.4321 shall be construed to complement
11 each other.

12 6 MCAR S 4.4312 Definitions.

13 A. Statutes and other rules. The definitions in Minnesota
14 Statutes, section 116.06; 6 MCAR S 4.4001; and APC 2 apply to
15 terms in 6 MCAR SS 4.4311-4.4321 unless the terms are defined in
16 C.-H.

17 B. Scope. As used in 6 MCAR SS 4.4311-4.4321, the following
18 terms have the meanings given them.

19 C. Indirect source. "Indirect source" means a facility,
20 building, structure, or installation which attracts or may
21 attract mobile source activity that results in emissions of a
22 pollutant for which there is a state standard. Indirect sources
23 include, but are not limited to:

- 24 1. highways and roads;
- 25 2. parking facilities;
- 26 3. retail, commercial, and industrial facilities;
- 27 4. recreation, amusement, sports, and entertainment
- 28 facilities;
- 29 5. airports;
- 30 6. office and government buildings;
- 31 7. apartment and condominium buildings; and
- 32 8. education facilities.

33 D. Associated parking area. "Associated parking area" means
34 a parking facility or facilities owned or operated in
35 conjunction with an indirect source.

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1 E. To commence construction. "To commence construction"
2 means to engage in a continuous program of construction
3 including site clearance, grading, dredging, or land filling
4 specifically designed for an indirect source in preparation for
5 the fabrication, erection, or installation of the building
6 components of the indirect source. For the purpose of this
7 paragraph, interruptions resulting from acts of God, strikes,
8 litigation, or other matters beyond the control of the owner
9 shall be considered in determining whether a construction or
10 modification program is continuous.

11 F. To commence modification. "To commence modification"
12 means to engage in a continuous program of modification,
13 including site clearance, grading, dredging, or land filling in
14 preparation for a specific modification of the indirect source.

15 G. Highway project. "Highway project" means the development
16 proposal of a highway of substantial length between logical
17 termini (major crossroads, population centers, major traffic
18 generators, or similar major highway control elements) as
19 normally included in a single location study or multi-year
20 highway improvement program.

21 H. Metropolitan area. "Metropolitan area" means the city
22 limits of Duluth and all contiguous incorporated areas in
23 Minnesota; the city limits of Moorhead and all contiguous
24 incorporated areas in Minnesota; the city limits of St. Cloud
25 and all contiguous incorporated areas; Rochester and all area
26 within the boundaries of Olmsted County; and the Twin Cities
27 metropolitan area including Anoka, Carver, Dakota, Hennepin,
28 Ramsey, Scott, and Washington counties.

29 6 MCAR S 4.4313 Permit requirement.

30 Except as provided in 6 MCAR SS 4.4314 and 4.4315, no
31 person may cause or allow the construction or modification of
32 any of the indirect sources listed in A.-D. without first
33 obtaining a permit from the agency. If an indirect source is
34 constructed or modified in increments that individually do not
35 require a permit and that are not part of a program of
36 construction or modification in planned incremental phases for

1 which a permit has been issued by the agency, the increments
2 commenced after December 31, 1974, must be added together to
3 determine the applicability of the requirement to obtain a
4 permit.

5 A. Parking facilities:

6 1. a new parking facility, or other new indirect source
7 with an associated parking area, which has a new parking
8 capacity of 2,000 cars or more; or

9 2. a modified parking facility, or a modification or an
10 associated parking area, which increases parking capacity by
11 1,000 cars or more, or which increases total parking capacity to
12 2,000 cars or more.

13 B. Highways:

14 1. a new highway project wholly within or partially
15 within a metropolitan area with an anticipated average annual
16 daily traffic volume of 20,000 or more vehicles per day within
17 ten years of the completion of construction; or

18 2. a modified highway project which will increase average
19 annual daily traffic volume by 10,000 or more vehicles per day
20 within ten years after completion of the modification.

21 C. Airports: a new or modified airport construction which
22 will result in the generation of more than 1,000,000 passengers
23 per year on regularly scheduled air carriers and commercial
24 charter flights within ten years after completion of
25 construction.

26 D. Other sources: an indirect source for which the results
27 of an assessment prepared under 6 MCAR S 4.4315 indicate that a
28 permit is required.

29 6 MCAR S 4.4314 Exemptions.

30 The owner or operator of an indirect source listed in A.-F.
31 is exempt from the requirement to obtain an indirect source
32 permit:

33 A. Existing sources: indirect sources that were in
34 operation on February 18, 1975.

35 B. Sources under construction: indirect sources for which
36 construction was commenced prior to January 1, 1975.

1 C. Parking facilities:

2 1. a new parking facility, or other new indirect source
3 with an associated parking area, which has a new parking
4 capacity of fewer than 1,000 cars; or

5 2. a modified parking facility, or a modification of an
6 associated parking area, which increases parking capacity by
7 fewer than 500 cars, provided that the conditions of 6 MCAR S
8 4.4313 A.2. are not exceeded.

9 D. Airports: a new or modified airport construction that
10 will result in the generation of fewer than 500,000 passengers
11 per year on regularly scheduled air carriers and commercial
12 charter flights within ten years after completion of
13 construction.

14 E. Highways: highway projects that are wholly outside a
15 metropolitan area.

16 F. Other sources: indirect sources constructed as part of
17 the Minnesota Implementation Plan to Achieve Carbon Monoxide
18 Ambient Air Quality Standards, specifically the parking ramps
19 constructed by the city of Minneapolis on the fringe of the
20 Minneapolis central business district.

21 6 MCAR S 4.4315 Assessment.

22 A. In general. For all indirect sources not described in 6
23 MCAR SS 4.4313 and 4.4314, the necessity for an indirect source
24 permit shall be determined according to the air quality
25 assessment procedure set forth in C. No person may cause or
26 allow the construction of an indirect source for which an
27 assessment is required until the assessment has been completed
28 to the satisfaction of the director. If the director determines
29 that a permit application is required, the application must be
30 made in accordance with 6 MCAR S 4.4317.

31 B. Assessment information. To perform the air quality
32 assessment the following information is required:

33 1. The highest existing peak daily traffic count on the
34 busiest segment of a public road or highway located within
35 one-fourth mile from a point on the property line of the
36 indirect source. This segment of public road or highway shall

1 be referred to as the "busiest roadway."

2 2. The highest projected peak daily traffic attracted to
3 the proposed indirect source construction or modification
4 occurring at a time during the one-year period immediately
5 following the construction or modification.

6 3. The highest projected peak daily traffic on the
7 busiest roadway during the one-year period immediately following
8 the construction or modification, not including traffic
9 attracted to the proposed indirect source.

10 C. Assessment procedure. The director shall make a
11 determination as to whether a permit is required based on the
12 following:

13 1. A comparison of existing busiest roadway traffic
14 volume to volume likely to result in a violation of the one-hour
15 carbon monoxide standard. If 12 percent of the traffic volume
16 determined pursuant to B.1. is greater than or equal to 2,500
17 vehicles per hour, a permit is required and completion of the
18 remainder of the assessment procedure is not required; if it is
19 less, the procedure in 2. must be followed.

20 2. A comparison of existing busiest roadway traffic
21 volume to volume likely to result in a violation of the
22 eight-hour carbon monoxide standard. If 60 percent of the
23 traffic volume determined under B.1. is greater than or equal to
24 5,000 vehicles per eight hours, a permit is required and
25 completion of the remainder of the assessment procedure is not
26 required; if it is less, the procedure in 3. must be followed.

27 3. A comparison of projected busiest roadway and
28 source-attracted traffic to volume likely to result in a
29 violation of the one-hour carbon monoxide standard. If 12
30 percent of the sum of the traffic volumes determined under
31 B.2.-3. is greater than or equal to 5,000 vehicles per hour, a
32 permit is required and completion of the remainder of the
33 assessment procedure is not required; if it is less, the
34 procedure in 4. must be followed.

35 4. A comparison of projected busiest roadway and
36 source-attracted traffic volumes to volume likely to result in a

1 violation of the eight-hour carbon monoxide standard. If 60
2 percent of the sum of the traffic volumes determined under
3 B.2.-3. is greater than or equal to 7,500 vehicles per eight
4 hours, a permit is required. If it is less, then no permit is
5 required.

6 6 MCAR S 4.4316 Circumvention.

7 No person may circumvent the requirements of 6 MCAR SS
8 4.4311-4.4321 by causing or allowing a pattern of ownership or
9 development to occur over a geographic area which, except for
10 the pattern of ownership or development, would otherwise require
11 an indirect source permit.

12 6 MCAR S 4.4317 Contents of permit application.

13 A. In general. A person who applies for an indirect source
14 permit shall submit to the director the information required by
15 6 MCAR S 4.4005. In addition, the applicant shall submit to the
16 director the information required by B. and, where applicable,
17 the information required by C. and D. If approval is sought for
18 an indirect source to be constructed in incremental phases, the
19 applicant shall submit the information required by this rule for
20 each phase of the construction project at the time of the
21 initial application.

22 B. Information required for all indirect sources. All
23 applicants for an indirect source permit shall submit the
24 following:

25 1. a description of the proposed use of the site,
26 including the normal hours of operation of the facility, and the
27 general types of activities to be operated in it;

28 2. a site plan showing the location of associated parking
29 areas, points of motor vehicle ingress and egress to and from
30 the site and its associated parking areas, and the location and
31 height of buildings on the site;

32 3. an identification of the principal roads, highways,
33 and intersections that will be used by motor vehicles moving to
34 or from the indirect source;

35 4. an estimate, as of the first year after the date the

1 indirect source will be substantially complete and operational,
2 of the average daily traffic volumes, maximum traffic volumes
3 for one-hour and eight-hour periods, and vehicle capacities of
4 the principal roads, highways, and intersections identified
5 under 3. located within one-fourth mile of all boundaries of the
6 site;

7 5. availability of existing and projected mass transit to
8 service the site;

9 6. any additional information or documentation that the
10 director or agency deem necessary to determine the air quality
11 impact of the indirect source, including the submission of
12 measured air quality data for carbon monoxide at the proposed
13 site prior to construction or modification. If the director
14 requires the applicant to perform air quality monitoring for
15 carbon monoxide at the proposed site, the director shall not
16 require the applicant to perform monitoring for a period of more
17 than 14 days.

18 C. Information required for airports. An applicant for an
19 indirect source permit for an airport shall submit the following:

20 1. an estimate of the average number and maximum number
21 of aircraft operations per day by type of aircraft during the
22 first, fifth, and tenth years after the date of expected
23 completion;

24 2. a description of the commercial, industrial,
25 residential, and other development that the applicant expects
26 will occur within three miles of the perimeter of the airport
27 within the first five and the first ten years after the date of
28 expected completion; and

29 3. expected passenger loadings at the airport.

30 D. Information required for highway projects. An applicant
31 for an indirect source permit for a highway project shall submit
32 the following:

33 1. a description of the average and maximum traffic
34 volumes for one-, eight-, and 24-hour time periods expected
35 within ten years of date of expected completion;

36 2. an estimate of vehicle speeds for average and maximum

1 traffic volume conditions and the vehicle capacity of the
2 highway project;

3 3. a map showing the location of the highway project,
4 including the location of buildings along the right-of-way; and

5 4. a description of the general features of the highway
6 project and associated right-of-way, including the approximate
7 height of buildings adjacent to the highway.

8 6 MCAR S 4.4318 Determination of air quality impact of indirect
9 source.

10 A. Concentrations of carbon monoxide. The agency shall
11 determine, by evaluation of information submitted by the
12 applicant, the reasonableness of anticipated concentrations of
13 carbon monoxide at reasonable receptor or exposure sites that
14 will be affected by the mobile source activity expected to be
15 attracted by the indirect source. For a highway, the agency
16 shall determine, by evaluation of information submitted by the
17 applicant, the reasonableness of anticipated concentrations of
18 carbon monoxide at reasonable receptor or exposure sites that
19 will be affected by the mobile source activity expected on the
20 highway for the ten-year period following the expected date of
21 completion. For the purposes of this rule "reasonable receptor
22 or exposure sites" means locations where people might reasonably
23 be exposed to carbon monoxide for time periods corresponding to
24 time periods referenced in Minnesota ambient air quality
25 standards.

26 B. Analytic method. In estimating anticipated carbon
27 monoxide concentrations the applicant shall use the methods set
28 forth in Code of Federal Regulations, title 40, section 52.22
29 (b)(4)(ii) (1982).

30 6 MCAR S 4.4319 Final determination.

31 The agency shall issue a permit to construct or modify an
32 indirect source if the agency determines that the indirect
33 source will not:

34 A. violate a control strategy of the Minnesota
35 Implementation Plan to Achieve National Ambient Air Quality

1 Standards; or

2 B. violate state standards for carbon monoxide in a region
3 or portion thereof.

4 6 MCAR S 4.4320 Permit conditions.

5 A. Special conditions. An indirect source permit issued by
6 the agency must contain conditions necessary for the permittee
7 to achieve compliance with all applicable Minnesota or federal
8 statutes or rules. These conditions may include, but are not
9 limited to:

10 1. binding commitments to roadway improvements or
11 additional mass transit facilities to serve the indirect source
12 secured by the owner or operator from governmental agencies
13 having jurisdiction over them;

14 2. binding commitments by the owner or operator to
15 specific programs for mass transit and paratransit incentives
16 for the employees and patrons of the source; and

17 3. binding commitments by the owner or operator to
18 construct, modify, or operate the indirect source in a manner
19 necessary to achieve the traffic flow characteristics determined
20 by the director to be appropriate necessary to prevent
21 violations of carbon monoxide ambient air quality standards.

22 B. General condition. An indirect source permit issued by
23 the agency must contain the general condition that approval to
24 construct or modify shall become invalid if construction or
25 modification is not commenced within 24 months after receipt of
26 the approval. The agency may extend this time period upon a
27 satisfactory showing that an extension is justified. The
28 applicant may apply for an extension at the time of initial
29 application or at any time thereafter.

30 6 MCAR S 4.4321 Minor modification of permit.

31 In addition to the corrections or allowances listed in 6
32 MCAR S 4.4019 C., the director upon obtaining the consent of the
33 permittee may modify an indirect source permit without following
34 the procedures in 6 MCAR SS 4.4010-4.4019 4.4013 if the director
35 determines that the modification would not result in an increase

1 in carbon monoxide of greater than one part per million ~~or~~ with
 2 respect to the eight-hour carbon monoxide standard, and that the
 3 -----
 4 modification would not result in an increase in carbon monoxide
 5 -----
 6 of greater than three parts per million with respect to the
 7 -----
 8 one-hour carbon monoxide standard, and that the modification
 9 -----
 10 would not result in a violation of the carbon monoxide standard
 11 -----
 12 established in 6 MCAR S 4.0001, and that the modification would
 13 -----
 14 not subject the permittee to the requirement to obtain a permit
 15 -----
 16 modification set forth in 6 MCAR S 4.4313.