

1.1 **Pollution Control Agency**

1.2 **Adopted Permanent Rules Relating to Mercury Emissions**

1.3 **7005.0100 DEFINITIONS.**

1.4 [For text of subps 1 to 3a, see M.R.]

1.5 Subp. 3c. **Coal.** "Coal" has the meaning given in part 7011.1100, subpart 2.

1.6 Subp. 3d. **Coal-derived fuel.** "Coal-derived fuel" means any fuel, whether in a solid,
1.7 liquid, or gaseous state, produced by the mechanical, thermal, or chemical processing of
1.8 coal.

1.9 Subp. 3e. **Coal-fired.** "Coal-fired" means any emission unit or stationary source that
1.10 uses any amount of coal or coal-derived fuel, alone or in combination with any amount of
1.11 any other fuel.

1.12 [For text of subps 4 to 7, see M.R.]

1.13 Subp. 7a. **Control efficiency.** "Control efficiency" has the meaning given in part
1.14 7011.0060, subpart 3a.

1.15 [For text of subps 8 to 23, see M.R.]

1.16 Subp. 23a. **Mercury.** "Mercury" means all inorganic and organic compounds of
1.17 mercury, including elemental mercury, expressed as elemental mercury.

1.18 Subp. 23b. **Mercury emission source.** "Mercury emission source" means a stationary
1.19 source with actual mercury emissions of three pounds per year or more, after controls. For
1.20 purposes of this subpart, "mercury emissions" do not include fugitive emissions of mercury.

1.21 [For text of subps 24 to 45, see M.R.]

1.22 **7007.0502 MERCURY EMISSIONS REDUCTION PLANS.**

1.23 Subpart 1. **Statewide mercury air emissions goal.** The statewide mercury air
1.24 emissions goal of 789 pounds per year from Minnesota sources, is to be achieved by

2.1 December 31, 2025, as described in the agency's total maximum daily load study approved
2.2 by the United States Environmental Protection Agency on March 27, 2007.

2.3 Subp. 2. **Applicability.** The owners or operators of an existing mercury emission
2.4 source must comply with this part. For the purposes of this part, "existing mercury
2.5 emission source" means that the owners or operators have been issued an air emission
2.6 permit by the agency as of the effective date of this part. For initial applicability, owners
2.7 or operators must calculate emissions following methods in part 7019.3030 for the
2.8 calendar year preceding the effective date of this part. If, after the effective date of this
2.9 part, the actual mercury emissions from the existing mercury emission source are below
2.10 the threshold of three pounds per year or more for three consecutive years, then the
2.11 stationary source is no longer considered a mercury emission source; and is not subject
2.12 to this part. The owner or operator must:

2.13 A. retain records of the actual mercury emissions for the qualifying three years
2.14 on site for five years from the date the determination was made;

2.15 B. make the records available for inspection and submit the records, within
2.16 specified timelines, upon request of the commissioner; and

2.17 C. immediately resume compliance with applicable requirements for mercury
2.18 emission sources if a physical or operational change causes the stationary source to again
2.19 become a mercury emission source. Owners or operators must resubmit a mercury
2.20 emissions reduction plan under subpart 3 within 12 months of again becoming a mercury
2.21 emission source.

2.22 Subp. 3. **Mercury emissions reduction plan.** Owners or operators of an existing
2.23 mercury emission source must prepare a mercury emissions reduction plan as described in
2.24 this part unless the mercury emission source is:

2.25 A. a mercury emission source subject to Minnesota Statutes, sections 216B.68
2.26 to 216B.688;

3.1 B. a mercury emission source that is a stationary source that has only
3.2 combustion devices and the combustion emissions of the source are from only natural gas,
3.3 liquid propane gas, propane, or oil fuels;

3.4 C. a mercury emission source subject to a performance standard for mercury
3.5 in ~~parts~~ part 7011.0561; for electric generating units; parts 7011.1201 to 7011.1285; and
3.6 7011.1350 to 7011.1370; for waste combustors or incinerators; and part 7011.7050; or
3.7 7011.7055 for boilers, except that units subject to part 7011.7050 or 7011.7055 must also
3.8 comply with subpart 6, item C, subitem (2);

3.9 D. a mercury emission source that:

3.10 (1) holds a Minnesota industrial storm water multisector general permit
3.11 as required by part 7090.3010;

3.12 (2) has a primary SIC code in Sector M or Sector N of the Minnesota
3.13 industrial storm water multisector general permit;

3.14 (3) is required to prepare a mercury management plan under part
3.15 7090.3010; and

3.16 (4) is in compliance with the provisions of the mercury management plan; or

3.17 E. a mercury emission source that has an ~~air emission permit with a mercury~~
3.18 ~~emissions limit or an enforceable agreement that is in effect with the commissioner and~~
3.19 ~~contains an enforceable schedule of mercury reductions and~~ emissions limit or enforceable
3.20 schedule of mercury reductions when the emissions limit or reductions are equal to or
3.21 greater than the reductions those required in subpart 6. The emissions limit or enforceable
3.22 schedule of mercury reductions may be in an air emission permit or an enforceable
3.23 agreement that is in effect with the commissioner.

3.24 Subp. 4. **Mercury emissions reduction plan; submittal deadlines.**

4.1 A. The owners or operators of an existing mercury emission source that does
4.2 not meet an exception under subpart 3 must prepare and submit a mercury emissions
4.3 reduction plan to the commissioner no later than June 30, 2015, for approval and inclusion
4.4 in a permit or other enforceable document, or as provided under item B.

4.5 B. The owners or operators of an existing mercury emission source that is a
4.6 ferrous mining or processing facility must submit a mercury emissions reduction plan by
4.7 December 30, ~~2016~~ 2018, for approval and inclusion in a permit or other enforceable
4.8 document.

4.9 **Subp. 5. Mercury emissions reduction plan elements and format.**

4.10 A. The owners or operators of an existing mercury emission source must submit
4.11 a mercury emissions reduction plan that complies with this item:

4.12 (1) the plan must be submitted in a format specified by the commissioner
4.13 and must contain:

4.14 (a) a description of the specific control equipment, processes,
4.15 materials, or work practices that will be employed to achieve the applicable control
4.16 efficiencies, reductions, or allowable emissions and work practices listed in subpart 6 and
4.17 a schedule for adopting the processes or installation of equipment;

4.18 (b) the mercury reduction, control efficiency, or emission rate that each
4.19 emissions unit will achieve once the plan for that emissions unit is fully implemented;

4.20 (c) a description of how operating parameters will be optimized to
4.21 maintain the mercury control efficiency in the plan;

4.22 (d) a proposed periodic monitoring and record-keeping system for
4.23 proposed control equipment, processes, materials, or work practices or citation to an
4.24 applicable requirement for monitoring and record keeping consistent with chapter 7017.

5.1 An evaluation of the use of a continuous mercury emission monitoring system must be
5.2 included in the plan;

5.3 (e) if the plan includes elements that meet the definition of a
5.4 modification under part 7007.0100, subpart 14, or requires an air permit amendment or
5.5 notification under part 7007.1150, a projected schedule for submitting the appropriate
5.6 permit applications; and

5.7 (f) the date that the mercury reductions proposed in the plan will be
5.8 demonstrated. This date must be no later than January 1, 2025, or as specified in subpart
5.9 6; or

5.10 (2) if the owner or operator determines that the mercury reductions listed in
5.11 subpart 6, if applicable, are not technically achievable by the identified compliance date,
5.12 the owners or operators may submit an alternative plan to reduce mercury emissions, in a
5.13 format specified by the commissioner. The alternative plan must contain:

5.14 (a) the plan elements in item A, substituting the owners' or operators'
5.15 proposed reduction for the requirements under subpart 6;

5.16 (b) a detailed explanation of why the mercury reductions listed in
5.17 subpart 6 are not technically achievable;

5.18 (c) a demonstration that air pollution control equipment, work
5.19 practices, or the use of alternative fuels or raw materials have been optimized such that the
5.20 source is using the best controls for mercury that are technically feasible; and

5.21 (d) an estimate of the annual mass of mercury emitted under the
5.22 requirements of subpart 6 and the proposed alternative plan.

5.23 B. The commissioner shall identify plan deficiencies and notify the owners
5.24 or operators of the deficiencies.

6.1 Subp. 6. **Mercury control and work practices.** Unless the requirements of subpart
6.2 3 are met, the owners or operators of an existing mercury emission source that is in a
6.3 source category listed in this subpart and required to submit a plan under subpart 4 must
6.4 include in the plan the minimum mercury control requirements for source categories
6.5 listed in this subpart.

6.6 A. For ferrous mining or processing:

6.7 (1) the plan must address the indurating furnace or kiln of a taconite
6.8 processing facility or the rotary hearth furnace of a direct-reduced iron facility and must
6.9 demonstrate that by January 1, 2025, mercury emissions from the indurating furnace or
6.10 kiln or rotary hearth furnace do not exceed 28 percent of the ~~number of pounds of~~ mercury
6.11 emitted in 2008 or 2010, whichever is greater. The commissioner shall determine the
6.12 ~~pounds of~~ mercury emitted in 2008 and 2010. If the facility held a Minnesota Pollution
6.13 Control Agency construction permit but was ~~not~~ operating in 2010 at less than 75 percent
6.14 of full capacity, the operating furnace must not exceed 28 percent of the mercury potential
6.15 to emit included in the permit authorizing construction; and

6.16 (2) the plan may accomplish reductions as:

6.17 (a) 28 percent of 2008 or 2010 emissions for each furnace;

6.18 (b) 28 percent of 2008 or 2010 emissions across all furnaces at a
6.19 single stationary source; or

6.20 (c) 28 percent of 2008 or 2010 emissions across furnaces at multiple
6.21 stationary sources. Owners of the stationary sources must enter into an enforceable
6.22 agreement as provided by Minnesota Statutes, section 115.071, subdivision 1, to reduce
6.23 mercury emissions between the stationary sources. If this option is selected, the reduction
6.24 plan must include the enforceable agreement. Execution of an enforceable agreement
6.25 under this part does not relieve the owner or operator of the obligation to obtain a permit
6.26 or permit amendment if otherwise required under this chapter.

7.1 B. For iron and steel melters, the plan must demonstrate that, by June 30, 2018,
7.2 mercury emissions from the iron or steel melter shall not exceed 77×10^{-6} pounds of
7.3 mercury per ton (35 milligrams per ton) of iron or steel produced. For purposes of this item:

7.4 (1) "iron or steel melter" means a stationary source where shredded motor
7.5 vehicle scrap or other undifferentiated shredded ferrous scrap is melted to produce steel or
7.6 iron products;

7.7 (2) "motor vehicle scrap" means vehicle or automobile bodies, including
7.8 automobile body hulks, that have been processed through a shredder. Motor vehicle
7.9 scrap does not include miscellaneous vehicle parts, such as wheels, bumpers, or other
7.10 components that do not contain mercury switches; and

7.11 (3) "undifferentiated shredded ferrous scrap" means white goods or
7.12 industrial equipment that has been processed through a shredder and the component parts
7.13 were not separated and sorted prior to shredding.

7.14 C. For the purposes of this item, "boiler," "industrial boiler," "commercial
7.15 boiler," and "institutional boiler" have the meanings given under Code of Federal
7.16 Regulations, title 40, section 63.7575 or 63.11237, except that a waste heat boiler, process
7.17 heater, electric generating unit as defined under part 7011.0561, subpart 2, and autoclave
7.18 are excluded from the definition of boiler under this item. For industrial, commercial,
7.19 and institutional (ICI) coal-fired boilers, the plan must demonstrate mercury emissions
7.20 reductions of 70 percent from 2005 mercury emissions calculated for initial applicability at
7.21 all each ICI coal-fired boilers that emit boiler with actual mercury emissions of five pounds
7.22 per year or more. The commissioner shall determine the pounds of mercury emitted in
7.23 2005. For each ICI coal-fired boiler, within one year of the effective date of this part, the
7.24 owner or operator must determine whether the reduction of 70 percent is met and must
7.25 retain records of the determination on site for five years from the date the determination
7.26 was made. Initial applicability is calculated using the method described in subpart 2.

8.1 (1) A reduction plan under this part is not required if:

8.2 (a) actual mercury emissions from the ICI coal-fired boiler, considering
8.3 existing controls, are less than five pounds per year; or

8.4 (b) actual mercury emissions from the ICI coal-fired boiler are
8.5 greater than five pounds per year and 70 percent of the mercury present in the fuel when
8.6 combusted is captured and not emitted.

8.7 (2) ~~If actual mercury emissions are five pounds per year or more and~~
8.8 ~~emission control is less than 70 percent, the exemptions in subitem (1) are not met, the~~
8.9 owner or operator must evaluate actual mercury emissions that will be achieved under
8.10 the federal regulations incorporated under part 7011.7050 or 7011.7055 relative to the 70
8.11 percent reduction. If the emission limits, control equipment, or operating practices under
8.12 the federal regulations do not achieve the 70 percent reduction, the owner or operator must
8.13 ensure that by January 1, 2018, mercury emissions are reduced by at least 70 percent from
8.14 2005 the levels calculated for the initial applicability of this item.

8.15 D. For mercury emission sources with processes that individually emit three or
8.16 more pounds of mercury per year and that are not otherwise identified in ~~this subpart~~ items
8.17 A to C, owners or operators must submit a plan to the commissioner that shows that air
8.18 pollution control equipment, work practices, or the use of alternative fuels or raw materials
8.19 has been optimized such that the actual, annual amount of mercury emitted is reduced by 70
8.20 percent or greater from the input of mercury to the process or processes emitting mercury.

8.21 Subp. 7. **Posting of plans.** The commissioner shall electronically post the mercury
8.22 emissions reduction plans submitted by the owners or operators of an existing mercury
8.23 emission source on the agency's Internet site. A person may request to receive notification
8.24 from the commissioner of plans received.

8.25 Subp. 8. **Mercury emissions reduction plan implementation.** The owner or
8.26 operator must implement the mercury emissions reduction plan as approved by the

9.1 commissioner. The owners or operators must submit annual progress reports to the
9.2 commissioner by ~~December 30~~ April 1 of each year starting with the year following plan
9.3 ~~submittal~~ approval until one full year after achievement of the reduction as described in
9.4 the plan. The report must provide the status of facility modifications and actions taken in
9.5 the preceding 12 months on each of the plan elements in subpart 5.

9.6 **Subp. 9. Modifications of plans.**

9.7 A. The owners or operators of an existing mercury emission source may request
9.8 modification of the approved mercury emissions reduction plan or enforceable agreement
9.9 by submitting a written request to the commissioner. The request must include:

9.10 (1) a description of the modification;

9.11 (2) reasons for the modification; and

9.12 (3) if the request is to modify the mercury reduction, the information
9.13 required under subpart 5, item A, subitem (1), for the requested new reduction.

9.14 B. The owners or operators may not implement any proposed plan modifications
9.15 until the commissioner approves the modification, issues an amended permit, or revises
9.16 an enforceable agreement, as applicable.

9.17 **7011.0561 CONTROL OF MERCURY FROM ELECTRIC GENERATING UNITS.**

9.18 Subpart 1. **Applicability.** The owners or operators of a coal-fired electric generating
9.19 unit that have demonstrated actual mercury emissions of five pounds per year or more
9.20 must comply with this part, except as provided under subpart 3.

9.21 Subp. 2. **Definitions.** The terms used in this part have the meanings given them
9.22 in this subpart.

9.23 A. "Boiler operating day" means a 24-hour period between 12:00 midnight
9.24 and the following midnight during which any fuel is combusted at any time in the

10.1 steam-generating unit. It is not necessary for fuel to be combusted during the entire
10.2 24-hour period.

10.3 B. "Coal-fired electric generating unit" or "coal-fired EGU" means an electric
10.4 generating unit that burns coal either exclusively or with any fuels in any amount.

10.5 C. "Electric generating unit" or "EGU" means a fossil-fuel combustion unit
10.6 greater than 25 megawatt (MW) electric that serves a generator that produces electricity
10.7 for sale. A fossil-fuel fired unit that cogenerates steam and electricity and supplies more
10.8 than one-third of its potential electric output capacity to any utility power distribution
10.9 system for sale is considered an electric generating unit.

10.10 D. "Grace period" means a specified number of hours after the deadline of
10.11 a required quality assurance test has passed, within which the test may be performed
10.12 without the loss of data.

10.13 E. "Operating hour" means a clock hour in which an EGU combusts any fuel
10.14 for part of or for the entire hour.

10.15 F. "Quality-assured operating quarter" means a calendar quarter in which there
10.16 are at least 168 operating hours.

10.17 Subp. 3. **Exemption.** Beginning one year after the effective date of this part, the
10.18 owners or operators of a coal-fired EGU that are not subject to this part if the coal-fired
10.19 EGU does not:

10.20 A. emit five pounds of mercury per year or more as demonstrated in subpart 9;

10.21 B. combust coal for more than ten percent of the average annual heat input
10.22 during any three consecutive calendar years; or

10.23 C. combust coal for more than 15 percent of the annual heat input during any
10.24 calendar year is not subject to this part.

11.1 Subp. 4. **Performance standards for mercury emissions.** Unless the commissioner
11.2 establishes an alternative mercury emissions reduction under Minnesota Statutes, section
11.3 216B.687, subdivision 3, the owners or operators of coal-fired electric generating units
11.4 that do not qualify for the exemption under subpart 3 must control mercury emissions as
11.5 described in this subpart.

11.6 A. By January 1, 2018, owners or operators of a coal-fired EGU with a
11.7 nameplate electricity generation capacity greater than 100 MW must:

11.8 (1) control mercury such that at least 90 percent of the mercury present in
11.9 the fuel ~~when combusted~~ is captured and not emitted; or

11.10 (2) demonstrate that the unit emits no more than 0.8 pounds of mercury per
11.11 trillion British thermal units (Tbtu) of heat input.

11.12 B. By January 1, 2025, owners or operators of a coal-fired EGU that is not a
11.13 supplemental unit as defined in Minnesota Statutes, sections 216B.682 to 216B.688, and
11.14 with a nameplate capacity less than or equal to 100 MW must:

11.15 (1) control mercury such that at least 70 percent of the mercury present in
11.16 the fuel ~~when combusted~~ is captured and not emitted; or

11.17 (2) demonstrate that the unit emits no more than 2.3 pounds of mercury per
11.18 Tbtu of heat input.

11.19 C. By January 1, 2018, owners or operators of a coal-fired EGU that is a
11.20 supplemental unit as defined in Minnesota Statutes, sections 216B.682 to 216B.688, must:

11.21 (1) control mercury such that at least 70 percent of the mercury present in
11.22 the fuel ~~when combusted~~ is captured and not emitted; or

11.23 (2) demonstrate that the unit emits no more than 2.3 pounds of mercury
11.24 per Tbtu heat input.

12.1 Subp. 5. **Monitoring mercury emissions.** The owners or operators of a coal-fired
12.2 EGU must monitor mercury emissions as described in this subpart.

12.3 A. Coal-fired EGUs with a generating capacity equal to or greater than 250
12.4 MW (net) must continuously monitor mercury at a representative sampling location
12.5 following the outlet of the last air pollution control device. A continuous monitor is
12.6 either a continuous emissions monitoring system (CEMS) for mercury or a sorbent trap
12.7 monitoring system capable of monitoring mercury as described in this part.

12.8 (1) If the system is a CEMS for mercury, the owners or operators must
12.9 prepare a monitoring plan according to subpart 6. If the system is a sorbent trap system,
12.10 the owner or operator must prepare a monitoring plan according to subpart 7. The plan
12.11 must be submitted within 180 days of the effective date of this part or as established
12.12 by a permit, whichever is later.

12.13 (2) If applicable federal regulations establish requirements for installation
12.14 and operation of continuous monitoring of the coal-fired EGU, the monitoring plan must
12.15 describe the compliance procedures for the monitors according to the federal regulation, in
12.16 addition to the requirements of this part.

12.17 B. If a coal-fired EGU with a generating capacity less than 250 MW does
12.18 not use a CEMS or a sorbent trap monitoring system to monitor mercury, the owner or
12.19 operator must conduct performance testing for mercury according to this item at least once
12.20 every 12 months and must complete the test no more than 13 months after the previous
12.21 test. The initial test must be conducted by the applicable compliance deadline in subpart 4.
12.22 Owners or operators may conduct performance stack tests for mercury no less frequently
12.23 than once every three years, but no longer than 37 months after the previous performance
12.24 test; if: (i) the performance tests for at least the immediately preceding three consecutive
12.25 years show mercury reduction is greater than or equal to 85 percent; or (ii) mercury
12.26 emissions are at or below 1.2 pounds of mercury per Tbtu of heat input; and, in both cases,

13.1 if there are no changes in the operation of the EGU or air pollution control equipment
13.2 that could increase emissions₅. The owner or operator must resume annual performance
13.3 stack tests if the test results show mercury reduction is less than 85 percent or mercury
13.4 emissions are above 1.2 pounds of mercury per Tbtu of heat input. Subitems (1) to (3)
13.5 apply to performance testing conducted under this item.

13.6 (1) Performance testing must be conducted using Code of Federal
13.7 Regulations, title 40, part 60, Appendix A-8, Method 30B. The initial performance test
13.8 must be conducted for 30 boiler operating days under all process operating conditions.
13.9 Sorbent traps must be used no longer than ten boiler operating days. Subsequent
13.10 performance tests may be ten boiler operating days long.

13.11 (2) Compliance is determined by calculating the average mercury
13.12 concentration from all sorbent trap results.

13.13 (3) Performance testing must be conducted according to parts 7017.2001 to
13.14 7017.2060 unless modified by this subpart.

13.15 Subp. 6. **Monitoring provisions; CEMS for mercury.** This subpart applies
13.16 to the measurement of mercury from a coal-fired EGU using a continuous emissions
13.17 monitoring system (CEMS) for mercury. "CEMS for mercury" means the total equipment
13.18 required to measure the total vapor phase mercury concentration, consisting of three
13.19 major subsystems: sample acquisition, transport, and conditioning; mercury converter
13.20 and analyzer; and a data acquisition and handling system.

13.21 A. The monitoring plan for the CEMS for mercury must include:

13.22 (1) a description of the CEMS span value and justification for the span
13.23 value's selection;

13.24 (2) methods, procedures, equations, and performance specifications, both
13.25 main and alternate, to be used to conduct a certification test of the CEMS for mercury. The

14.1 certification must include a seven-day calibration error test, a linearity check, a three-level
14.2 system integrity check, a cycle time test, and a relative accuracy test audit as described in
14.3 Code of Federal Regulations, title 40, part 60, Appendices for Test Methods;

14.4 (3) methods, procedures, equations, and performance specifications to be
14.5 used for ongoing daily calibration error tests, system integrity checks, linearity checks, or
14.6 three-level system integrity checks, and a relative accuracy test audit. Relative accuracy
14.7 must be calculated as described in Code of Federal Regulations, title 40, part 60, Appendix
14.8 B: Performance Specification 2, section 12, or Performance Specification 6;

14.9 (4) a description of calculations used to convert mercury concentration
14.10 values to the appropriate units of the emission standard; and

14.11 (5) procedures to provide substituted data in the event that monitors are not
14.12 collecting mercury emissions data and data is missing from the monitoring record.

14.13 B. The CEMS must operate in compliance with parts 7017.0100, 7017.1002,
14.14 7017.1030, 7017.1080 to 7017.1130, 7017.1150, and 7017.1180.

14.15 C. Owners or operators must conduct routine quality assurance and control
14.16 tests on a frequency as follows:

14.17 (1) a calibration error test must be conducted daily using either mid- or
14.18 high-level gas. The calibrations are not required when the EGU is not in operation;

14.19 (2) single-level system integrity checks must be conducted weekly,
14.20 meaning once every ~~168 operating hours~~ seven consecutive operating days for systems
14.21 with mercury converters. This test is not required if daily calibrations are done with a
14.22 National Institute of Standards and Technology-traceable source of oxidized mercury;

14.23 (3) linearity checks or three-level system integrity checks must be
14.24 conducted quarterly in each quality-assured operating quarter and no less than once every
14.25 four calendar quarters;

15.1 (4) a relative accuracy test audit is required annually, meaning once
15.2 every four quality-assured operating quarters. This deadline may be extended for
15.3 non-quality-assured operating quarters up to a maximum of eight quarters from the quarter
15.4 of the previous test; and

15.5 (5) a 720 ~~continuous~~ operating-hour grace period is allowed for relative
15.6 accuracy test audits.

15.7 D. Calibration gas mercury concentrations used to conduct quality assurance
15.8 tests on a CEMS must have the following concentrations:

15.9 (1) zero-level with a mercury concentration below the detectable limit
15.10 of the analyzer;

15.11 (2) low-level with a mercury concentration of 20 to 30 percent of the
15.12 span value of the analyzer;

15.13 (3) mid-level with a mercury concentration of 50 to 60 percent of the
15.14 span value of the analyzer;

15.15 (4) high-level with a mercury concentration of 80 to 100 percent of the
15.16 span value of the analyzer; and

15.17 (5) alternative concentrations may be used if approved by the
15.18 commissioner. The data collected with the alternative concentration must be improved,
15.19 given the applicable limit to qualify for approval.

15.20 E. Measurement or adjustment of the CEMS mercury data for bias is not required.

15.21 F. The owners or operators must certify, operate, maintain, and quality-assure
15.22 the CEMS used to convert measured hourly mercury concentrations to applicable emission
15.23 standards according to the applicable provisions of Code of Federal Regulations, title
15.24 40, part 75.

16.1 G. The owners or operators must reduce the hourly averages data from the
16.2 CEMS for mercury according to Code of Federal Regulations, title 40, section 60.13 (h)(2).

16.3 H. The owners or operators must convert hourly emissions concentrations to
16.4 30 boiler operating day rolling average (lb/Tbtu) according to appropriate emission rate
16.5 equations of Code of Federal Regulations, title 40, part 60, Appendix A-7, Method 19.

16.6 I. Using fuel sampling data generated by the procedures in subpart 8, the
16.7 owners or operators must demonstrate that the output from item G is no greater than ten
16.8 percent of the input from fuel or demonstrate that emissions in item H are no greater
16.9 than those specified in subpart 4.

16.10 J. The first 30 days of the monitoring period are used to determine compliance
16.11 with the mercury emissions concentration limit.

16.12 **Subp. 7. Monitoring provisions; sorbent trap monitoring system.**

16.13 A. Owners or operators of a coal-fired EGU using a sorbent trap monitoring
16.14 system must follow the monitoring provisions under this subpart for the measurement of
16.15 mercury. "Sorbent trap monitoring system" means the equipment necessary to monitor
16.16 mercury emissions continuously by using paired sorbent traps containing iodated
16.17 charcoal or other sorbent medium. The system consists of sample acquisition, transport,
16.18 conditioning, sorbent traps, and an automated data acquisition and handling system. The
16.19 system samples the stack gas at a constant proportional rate relative to the stack gas
16.20 volumetric flow rate. The sampling is a batch process. The average mercury concentration
16.21 in the stack gas for the sampling period is determined, in units of micrograms per dry
16.22 standard cubic meter ($\mu\text{g}/\text{dscm}$), based on the sample volume measured by the gas flow
16.23 meter and the mass of mercury collected in the sorbent traps. The use of a sorbent trap
16.24 monitoring system also requires the installation and certification of a stack gas flow
16.25 monitor to maintain the ratio of stack gas flow rate to sample flow rate.

16.26 B. The monitoring plan for the sorbent trap monitoring system must include:

17.1 (1) methods, procedures, equations, and performance specifications, both
17.2 main and alternate, to be used to conduct a certification test of the sorbent trap monitoring
17.3 system;

17.4 (2) methods, procedures, equations, and performance specifications, both
17.5 main and alternate, to be used for ongoing relative accuracy test audits;

17.6 (3) the rationale for the minimum acceptable data collection period for the
17.7 size of the sorbent trap selected;

17.8 (4) procedures used to monitor system integrity and data quality;

17.9 (5) a description of calculations used to convert mercury concentration
17.10 values to the appropriate units of the emission standard;

17.11 (6) procedures for inscribing or permanently marking a unique
17.12 identification number on each sorbent trap for tracking purposes. A record system must be
17.13 developed to track the identification of the monitoring system along with dates and hours
17.14 for each collection period; and

17.15 (7) procedures for providing substituted data in the event that monitors are
17.16 not available to measure mercury emissions and data is missing from the monitoring record.

17.17 C. The continuous monitor must be operated in compliance with parts
17.18 7017.0100, 7017.1002, 7017.1030, 7017.1080 to 7017.1130, 7017.1150, and 7017.1180.

17.19 ~~D. Owners or operators must conduct routine quality assurance and control~~
17.20 ~~tests on a frequency as follows:~~

17.21 ~~(1) relative accuracy test audits are required annually, meaning once~~
17.22 ~~every four quality-assured operating quarters. This deadline may be extended for~~
17.23 ~~non-quality-assured operating quarters up to a maximum of eight quarters from the quarter~~
17.24 ~~of the previous test; and~~

18.1 ~~(2) a 720 continuous-hour grace period is allowed for relative accuracy~~
18.2 ~~test audits.~~

18.3 ~~E. Measurement or adjustment of continuous monitor mercury data for bias~~
18.4 ~~is not required.~~

18.5 F D. Monitoring systems that are used to measure stack gas volumetric flow
18.6 rate, diluent gas concentration, or stack gas moisture content, either for routine operation
18.7 of a sorbent trap monitoring system or to convert mercury concentration data to units of
18.8 the applicable emission limit, must be certified according to the applicable provisions of
18.9 Code of Federal Regulations, title 40, part 75.

18.10 G E. The owners or operators must determine the mercury concentration for
18.11 each data collection period and assign this concentration value to each operating hour in
18.12 the data collection period.

18.13 H F. The owners or operators must convert hourly emissions concentrations to
18.14 30 boiler operating day rolling average (lb/Tbtu) according to appropriate emission rate
18.15 equations of Code of Federal Regulations, title 40, part 60, Appendix A-7, Method 19.

18.16 I G. Using fuel sampling data generated by the procedures in subpart 8, the
18.17 owners or operators must demonstrate that the output from item H F meets the limits
18.18 specified in subpart 4.

18.19 J H. The first 30 days of the monitoring period is the first period used to
18.20 determine compliance with the mercury emissions concentration limit.

18.21 Subp. 8. **Procedures for determining mercury content of fuel.** The owner or
18.22 operator shall prepare a fuel sampling and analysis plan and submit it to the commissioner
18.23 30 days prior to collecting the initial fuel sample. When the mercury content of fuel is
18.24 needed to determine total mercury emission reductions, owners or operators of a coal-fired
18.25 EGU must use the fuel sampling and measuring fuel content procedures in items A to E.

19.1 The mercury content of fuel used for start-up, unit shutdown, or transient flame stability
19.2 does not need to be measured. The owners or operators must:

19.3 A. collect samples of each fuel using ASTM D2234/D2234M;

19.4 B. prepare a composited sample for each fuel type using ASTM D2013/D2013M;

19.5 C. determine the heat content of the fuel using ASTM D5865;

19.6 D. determine the moisture content of the fuel using ASTM D3173; and

19.7 E. measure mercury in the fuel sample using ASTM D6722-11, or SW-846-7471
19.8 for solid samples, and report in terms of lb/ton of fuel burned.

19.9 Subp. 9. **Demonstrating applicability of mercury control requirements.** The
19.10 owners or operators of a coal-fired EGU without a continuous monitor for mercury must
19.11 conduct a 28 to 30 operating day performance test, ~~using Code of Federal Regulations,~~
19.12 ~~title 40, part 60, Appendix A-8, Method 30B,~~ to determine the mercury ~~concentration~~
19.13 mass emissions according to this subpart. The initial test must be completed within one
19.14 year of the effective date of this part. The owner or operator must:

19.15 A. conduct performance tests according to parts 7017.2001 to 7017.2060.

19.16 When preparing the test plan required in part 7017.2030, the owner or operator must
19.17 identify parametric data for air pollution control devices in place during the performance
19.18 test that will be recorded;

19.19 B. use Code of Federal Regulations, title 40, part 60, Appendix A-8, Method
19.20 30B, or a substantially similar alternative method approved by the commissioner;

19.21 C. locate the Method 30B sampling probe tip at a point within the ten percent
19.22 centroidal area of the duct at a location selected according to Method 1 in Code of Federal
19.23 Regulations, title 40, part 60, Appendix A-1, and conduct at least three nominally equal
19.24 length test runs over the 28- to 30-day test period. Test runs may not be longer than ten days;

20.1 D. collect diluents gas data over the corresponding time period using Code of
20.2 Federal Regulations, title 40, part 60, Appendix A-2, Method 3A, or a diluent gas monitor
20.3 certified according to Code of Federal Regulations, title 40, part 75;

20.4 E. for calculation of pounds per year of mercury, collect:

20.5 (1) stack gas flow rate using Method 2, 2F, or 2G in Code of Federal
20.6 Regulations, title 40, part 60, Appendix A-1 or A-2, or a flow rate monitor that has been
20.7 certified according to Code of Federal Regulations, title 40, part 75; and

20.8 (2) moisture data using Method 4 in Code of Federal Regulations, title 40,
20.9 part 60, Appendix A-3, or a moisture monitor certified according to Code of Federal
20.10 Regulations, title 40, part 75;

20.11 F. calculate the average mercury concentration, in micrograms per cubic meter
20.12 ($\mu\text{g}/\text{m}^3$), for the 28- to 30-day performance test, as the arithmetic average of all sorbent
20.13 trap results. The owner or operator must calculate the average CO_2 or O_2 concentration for
20.14 the test period. The owner or operator must use the average mercury concentration and
20.15 diluents gas values to express the performance test results in units of pounds of mercury
20.16 per trillion British thermal units (lb/Tbtu) and actual pounds of mercury emitted per year,
20.17 using the expected fuel heat input over a one-year period. Alternatively, the owner or
20.18 operator must calculate pounds of mercury emitted per year using the average mercury
20.19 concentration, average stack gas flow rate, average stack gas moisture, and maximum
20.20 operating hours per year;

20.21 G. record parametric data for air pollution control devices in place during the
20.22 performance test. If the calculation in item F demonstrates that the EGU emits less than
20.23 five pounds per year of mercury, the owner or operator must operate air pollution control
20.24 equipment at the rates exhibited during the performance test; and

20.25 H. repeat the performance test once every five years to demonstrate that the
20.26 mercury emissions from the EGU remain below five pounds per year.

21.1 Subp. 10. **Incorporations by reference.** For purposes of this part, the methods
21.2 listed in items A and B are incorporated by reference, as amended. These documents
21.3 are subject to frequent change.

21.4 A. The Annual Book of American Society for Testing and Materials
21.5 International (ASTM) methods D2234/D2234M (Standard Practice for Collection of a
21.6 Gross Sample of Coal), D2013/D2013M (Standard Practice for Preparing Coal Samples
21.7 for Analysis), D5865 (Standard Test Method for Gross Calorific Value of Coal and Coke),
21.8 D3173 (Standard Test Method for Moisture in the Analysis Sample of Coal and Coke),
21.9 and D6722 (Standard Test Method for Total Mercury in Coal and Coal Combustion
21.10 Residues by Direct Combustion Analysis). These methods are published in the Annual
21.11 Book of ASTM Standards; Volume 05.06 Gaseous Fuels; Coal and Coke, 2012 edition.
21.12 These documents are available through the Minitex interlibrary loan system.

21.13 B. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA
21.14 SW-846, Third Edition, November 1986, issued by the United States Environmental
21.15 Protection Agency (EPA). Method 7471 Mercury in Solid or Semisolid Waste (Manual
21.16 Cold Vapor Technique) is available electronically from the Environmental Protection
21.17 Agency and through the Minitex interlibrary loan system.

21.18 **7011.0563 INCORPORATION OF EMISSION STANDARDS FOR HAZARDOUS**
21.19 **AIR POLLUTANTS FROM COAL- AND OIL-FIRED ELECTRIC UTILITY**
21.20 **STEAM GENERATORS.**

21.21 Code of Federal Regulations, title 40, part 63, subpart UUUUU, as amended, entitled
21.22 "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric
21.23 Utility Steam Generating Units" is incorporated by reference, except that the authorities
21.24 identified in Code of Federal Regulations, section 63.10041 (b), are not delegated to the
21.25 commissioner and are retained by the administrator.

21.26 **7011.1201 DEFINITIONS.**

21.27 [For text of subps 1 to 11, see M.R.]

22.1 Subp. 12. [See repealer.]

22.2 Subp. 13. **Class I waste combustor.** "Class I waste combustor" means that the design
22.3 capacity for a waste combustor unit is 93.75×10^6 Btu/hr or more, the waste combustor
22.4 unit burns mixed municipal solid waste, and construction of the unit is commenced after
22.5 September 20, 1994, or modification or reconstruction is commenced after June 19, 1996.

22.6 Subp. 14. **Class II waste combustor.** "Class II waste combustor" means that the
22.7 design capacity for a waste combustor unit is 15×10^6 Btu/hr or more and less than $93.75 \times$
22.8 10^6 Btu/hr, the waste combustor unit burns mixed municipal solid waste, and construction
22.9 of the unit is commenced after September 20, 1994, or modification or reconstruction is
22.10 commenced after June 19, 1996.

22.11 Subp. 15. **Class III waste combustor.** "Class III waste combustor" means that the
22.12 design capacity for a waste combustor unit is 3.0×10^6 Btu/hr or more and less than $15 \times$
22.13 10^6 Btu/hr, the waste combustor unit burns mixed municipal solid waste or medical waste,
22.14 and the waste combustor is issued a permit for construction after December 20, 1989.

22.15 [For text of subp 16, see M.R.]

22.16 Subp. 16a. **Commercial or industrial solid waste incinerator.** "Commercial or
22.17 industrial solid waste incinerator" means any distinct operating unit at a commercial
22.18 or industrial solid waste facility that combusts, or has combusted in the preceding six
22.19 months, any solid waste as defined in Code of Federal Regulations, title 40, part 241.

22.20 [For text of subps 17 to 43a, see M.R.]

22.21 Subp. 43b. **Resinated wood.** "Resinated wood" has the meaning given in Code of
22.22 Federal Regulations, title 40, section 241.2.

22.23 [For text of subps 44 to 45a, see M.R.]

22.24 Subp. 46. **Waste combustor.** "Waste combustor" means any emissions unit or
22.25 emission facility where mixed municipal solid waste, solid waste, or refuse-derived fuel is

23.1 combusted, and includes energy recovery facilities, or other combustion devices. A metals
23.2 recovery incinerator is a waste combustor. A combustion device combusting resinated
23.3 wood or dewatered papermill wastewater treatment plant sludge, is not a waste combustor.
23.4 A soil treatment facility, paint burn-off oven, wood heater, or residential fireplace is not
23.5 a waste combustor.

23.6 [For text of subps 47 to 50, see M.R.]

23.7 **7011.1215 APPLICABILITY OF STANDARDS OF PERFORMANCE FOR**
23.8 **WASTE COMBUSTORS.**

23.9 Subpart 1. **Waste combustors.** A person who constructs, modifies, reconstructs, or
23.10 operates a waste combustor shall comply with parts 7011.1201 to 7011.1290, except as
23.11 provided in subparts 2 to 3.

23.12 Subp. 2. **Cofired facilities.** A person who constructs, modifies, reconstructs, or
23.13 operates a cofired unit is not a waste combustor under parts 7011.1201 to 7011.1285.

23.14 [For text of subps 2a and 2b, see M.R.]

23.15 Subp. 2c. **Commercial and industrial solid waste incinerators.** A person who
23.16 constructs, modifies, or reconstructs a waste combustor such that it becomes a commercial
23.17 or industrial solid waste incinerator is not subject to parts 7011.1225 to 7011.1285 ~~and~~ but
23.18 shall comply with parts 7011.1360 to 7011.1370.

23.19 [For text of subp 3, see M.R.]

23.20 Subp. 4. **Standards.** The standards of parts 7011.1227, 7011.1228, 7011.1229,
23.21 7011.1230, 7011.1233, 7011.1240, subpart 2, and 7011.1272, subpart 2, apply at all times
23.22 when waste is being continuously burned, except during periods of start-up, shutdown, or
23.23 malfunction, provided that the duration of start-up, shutdown, or malfunction does not
23.24 exceed three hours. Fugitive emissions standards applicable to ash conveying systems
23.25 do not apply during maintenance and repair of ash conveying systems. "Malfunction"

24.1 means any sudden and unavoidable failure of air pollution control equipment or process
24.2 equipment or of a process to operate in a normal or usual manner. Failures that are caused
24.3 entirely or in part by poor maintenance, careless operation, or any other preventable upset
24.4 condition or preventable equipment breakdown are not considered malfunctions.

24.5 The start-up period commences when the waste combustor begins the continuous
24.6 burning of solid waste and does not include any warm-up period when the waste
24.7 combustor is combusting fossil fuel or other solid fuel.

24.8 Continuous burning is the continuous, semicontinuous, or batch feeding of solid
24.9 waste for purposes of waste disposal, energy production, or providing heat to the
24.10 combustion system in preparation for waste disposal or energy production. The use of
24.11 solid waste solely to provide thermal protection of the grate or hearth during the start-up
24.12 period when municipal solid waste is not being fed to the grate is not considered to be
24.13 continuous burning.

24.14 [For text of subps 5 and 5a, see M.R.]

24.15 Subp. 6. [See repealer.]

24.16 **7011.1291 INCORPORATION BY REFERENCE OF NEW SOURCE**
24.17 **PERFORMANCE STANDARD FOR NEW LARGE MUNICIPAL WASTE**
24.18 **COMBUSTORS.**

24.19 Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part
24.20 60, subpart Eb, as amended, entitled "Standards of Performance for Large Municipal
24.21 Waste Combustors for Which Construction is Commenced After September 20, 1994
24.22 or for Which Modification or Reconstruction is Commenced After June 19, 1996" is
24.23 incorporated by reference, except that decisions made by the administrator under Code of
24.24 Federal Regulations, title 40, section 60.50b (n), are not delegated to the commissioner
24.25 and must be made by the administrator.

24.26 Subp. 2. **Exceedance of emission limits.** Owners and operators of a new large
24.27 municipal waste combustor must comply with part 7011.1340.

25.1 **7011.1292 INCORPORATION BY REFERENCE OF NEW SOURCE**
25.2 **PERFORMANCE STANDARD FOR NEW HOSPITAL/MEDICAL/INFECTIOUS**
25.3 **WASTE INCINERATORS.**

25.4 Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title
25.5 40, part 60, subpart Ec, as amended, entitled "Standards of Performance for
25.6 Hospital/Medical/Infectious Waste Incinerators ~~for Which Construction is Commenced~~
25.7 ~~After June 20, 1996~~" is incorporated by reference, except that decisions made by the
25.8 administrator under Code of Federal Regulations, title 40, section 60.50c (i), are not
25.9 delegated to the commissioner and must be made by the administrator.

25.10 Subp. 2. **Exceedance of emission limits.** Owners and operators of a new
25.11 hospital/medical/infectious waste incinerator must comply with part 7011.1340.

25.12 **7011.1293 INCORPORATION BY REFERENCE OF NEW SOURCE**
25.13 **PERFORMANCE STANDARD FOR NEW SMALL MUNICIPAL WASTE**
25.14 **COMBUSTORS.**

25.15 Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part
25.16 60, subpart AAAA, as amended, entitled "Standards of Performance for Small Municipal
25.17 Waste Combustion Units for Which Construction is Commenced After August 30, 1999
25.18 or for Which Modification or Reconstruction is Commenced After June 6, 2001" is
25.19 incorporated by reference.

25.20 Subp. 2. **Exceedance of emission limits.** Owners and operators of a new small
25.21 municipal waste combustor must comply with part 7011.1340.

25.22 **7011.1294 INCORPORATION BY REFERENCE OF NEW SOURCE**
25.23 **PERFORMANCE STANDARD FOR NEW OTHER SOLID WASTE**
25.24 **INCINERATION UNITS.**

25.25 Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part
25.26 60, subpart EEEE, as amended, entitled "Standards of Performance for Other Solid Waste
25.27 Incineration Units for Which Construction is Commenced After December 9, 2004, or

26.1 for Which Modification or Reconstruction is Commenced on or After June 16, 2006" is
26.2 incorporated by reference, except that decisions made by the administrator under Code of
26.3 Federal Regulations, title 40, section 60.2889 (b), are not delegated to the commissioner
26.4 and must be made by the administrator.

26.5 Subp. 2. **Exceedance of emission limits.** Owners and operators of a new other solid
26.6 waste incineration unit must comply with part 7011.1340.

26.7 **7011.1340 EMISSION LIMITS EXCEEDANCE REQUIREMENTS.**

26.8 Subpart 1. **Applicability.** The owners or operators of an emissions unit subject to
26.9 parts 7011.1291, 7011.1292, 7011.1293, 7011.1294, 7011.1350, 7011.1355, 7011.1360,
26.10 and 7011.1370 must comply with this part.

26.11 Subp. 2. **Definitions.** The terms used in this part have the meanings given them
26.12 in this subpart.

26.13 A. "Accurate and valid data" means data that provides the measurement of
26.14 emissions of an air contaminant from the incinerator or of operating parameters of a
26.15 component of the incinerator. For continuously monitored emissions, data is accurate
26.16 and valid immediately upon recording. For emissions for which a performance test is
26.17 conducted, data is accurate and valid 14 days after the incinerator owners or operators
26.18 receive the performance test report, unless the incinerator owners or operators notify the
26.19 commissioner in writing within the same 14 days that the owners or operators can show
26.20 reason for rejecting the data.

26.21 B. "Normal start-up" means the period of time between the initial start-up of a
26.22 new, modified, retrofitted, or reconstructed emissions unit of an incinerator or an emissions
26.23 unit of an incinerator that is modified, retrofitted, or reconstructed to meet the requirements
26.24 of parts 7011.1360 to 7011.1370 and the lesser of 60 days after achieving the maximum
26.25 production rate at which the emissions unit will operate or 180 days after initial start-up.

27.1 Subp. 3. **Exceedance of continuously monitored emission limits.** If, after normal
27.2 start-up, accurate and valid data results collected from continuous emission monitors
27.3 exceed emission limits established in part 7011.1350, item B; 7011.1355, subpart 2;
27.4 7011.1365; or 7011.1370, subpart 1, or in the permit for the incinerator, the incinerator
27.5 owner or operator must:

27.6 A. report the exceedance to the commissioner as soon as reasonably possible,
27.7 giving consideration to matters of plant or worker safety or access to communications;

27.8 B. commence appropriate repairs or modifications to return the incinerator to
27.9 compliance within 72 hours of the exceedance;

27.10 C. shut down the incinerator if the ~~incinerator~~ modification or repairs cannot be
27.11 ~~returned to compliance~~ completed within 72 hours of the exceedance; and

27.12 D. when repairs or modifications have been completed, demonstrate to the
27.13 commissioner that the incinerator is in compliance. The incinerator may be started up
27.14 after the owner or operator has notified the commissioner in writing of the date the owner
27.15 or operator plans to start up the incinerator. Notification must be given at least 24 hours
27.16 before resuming operation. Compliance is demonstrated by providing to the commissioner
27.17 written results from the continuous monitor showing compliance with the emission limits.

27.18 Subp. 4. **Exceedance of emission limits determined through performance testing.**

27.19 A. If, after normal start-up, accurate and valid data results of a performance test
27.20 demonstrate an exceedance of an emissions limit established in part 7011.1355, subpart 2;
27.21 7011.1365; or 7011.1370, subpart 1, or in the facility air emissions permit, the owners or
27.22 operators of an incinerator must:

27.23 (1) report the exceedance to the commissioner according to part 7019.1000;

28.1 (2) undertake appropriate steps to return the incinerator to compliance
28.2 and demonstrate compliance within 60 days of the initial report to the commissioner of
28.3 the exceedance; and

28.4 (3) shut down the incinerator if the commissioner determines that
28.5 compliance has not been achieved within 60 days of the initial report of exceedance.

28.6 B. If shutdown was required under item A, subitem (3), the owner or operator
28.7 may restart the incinerator under the conditions specified by the commissioner. The
28.8 owners or operators must notify the commissioner in writing of the date on which the
28.9 owners or operators plan to start up and to begin compliance testing. Notification must be
28.10 received at least ten days in advance of the compliance test date.

28.11 **7011.1350 INCORPORATION BY REFERENCE OF NEW SOURCE**
28.12 **PERFORMANCE STANDARD FOR SEWAGE SLUDGE INCINERATORS.**

28.13 Subpart 1. **Incorporation by reference.** The following new source performance
28.14 standards are incorporated by reference:

28.15 A. Code of Federal Regulations, title 40, part 60, subpart O, as amended,
28.16 entitled "Standards of Performance for Sewage Treatment Plants," is incorporated by
28.17 reference, except that decisions made by the administrator under Code of Federal
28.18 Regulations, title 40, section 60.153(e), are not delegated to the commissioner and must be
28.19 made by the administrator.

28.20 B. Code of Federal Regulations, title 40, part 60, subpart LLLL, as amended,
28.21 entitled "Standards of Performance for New Sewage Sludge Incineration Units" is
28.22 incorporated by reference, except that decisions made by the administrator under Code of
28.23 Federal Regulations, title 40, section 60.4785 (c), are not delegated to the commissioner
28.24 and must be made by the administrator.

28.25 Subp. 2. **Exceedance of emission limits.** Owners and operators of a new sewage
28.26 sludge incineration unit must comply with part 7011.1340.

29.1 **7011.1355 STANDARDS OF PERFORMANCE FOR EXISTING SEWAGE**
29.2 **SLUDGE ~~COMBUSTION FACILITIES~~ INCINERATOR UNITS; COMPLIANCE**
29.3 **WITH CLEAN AIR ACT SECTION 129 STANDARDS.**

29.4 Subpart 1. **Applicability.** The owners or operators of each sewage sludge incineration
29.5 unit as defined in Code of Federal Regulations, title 40, section 60.5250, for which
29.6 construction commenced on or before October 14, 2010, must comply with this part, except:

29.7 A. combustion units that incinerate sewage sludge, as defined under Code
29.8 of Federal Regulations, title 40, section 60.5250, and are not located at a wastewater
29.9 treatment facility designed to treat domestic sewage sludge are exempt from this part. The
29.10 owners or operators of the combustion unit must notify the United States Environmental
29.11 Protection Agency and the commissioner of an exemption claim under this item;

29.12 B. if the owners or operators of a sewage sludge incineration unit make changes
29.13 that meet the definition of modification incorporated in subpart 2 after September 21, 2011:

29.14 (1) the sewage sludge incineration unit becomes subject to Code of Federal
29.15 Regulations, title 40, part 60, subpart LLLL; and

29.16 (2) this part no longer applies to the sewage sludge incineration unit; and

29.17 C. physical or operational changes made to a sewage sludge incineration unit
29.18 for which construction commenced on or before September 21, 2011, primarily to comply
29.19 with this part:

29.20 (1) are not considered modifications or reconstructions; and

29.21 (2) do not result in a sewage sludge incineration unit becoming subject to
29.22 Code of Federal Regulations, title 40, part 60, subpart LLLL.

29.23 Subp. 2. **Incorporation by reference of federal performance standards emission**
29.24 **guidelines and compliance times for existing sewage sludge incinerators.**

30.1 A. The following requirements from Code of Federal Regulations, title 40, part
30.2 60, subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage
30.3 Sludge Incineration Units, are incorporated by reference, as amended:

30.4 (1) increments of progress: Code of Federal Regulations, title 40, sections
30.5 60.5085 to 60.5125. The deadlines for each increment of progress are found in Table 1 of
30.6 Code of Federal Regulations, title 40, part 60, subpart MMMM, and are as follows:

30.7 (a) owners or operators must submit the final control plan to the
30.8 commissioner by one year after the effective date of this part; and

30.9 (b) owners or operators of an affected unit must demonstrate
30.10 compliance with the emission guidelines adopted under this part ~~within three years after~~
30.11 ~~the effective date of this part~~ by March 21, 2016;

30.12 (2) operator training and qualification: Code of Federal Regulations, title
30.13 40, sections 60.5130 to 60.5160;

30.14 (3) emission limits, emission standards, and operating limits and
30.15 requirements: Code of Federal Regulations, title 40, sections 60.5165 to ~~60.5181~~ 60.5180;

30.16 (4) initial compliance requirements: Code of Federal Regulations, title
30.17 40, sections 60.5185 to 60.5200;

30.18 (5) continuous compliance requirements: Code of Federal Regulations,
30.19 title 40, sections 60.5205 to 60.5215;

30.20 (6) performance testing, monitoring, and calibration requirements: Code of
30.21 Federal Regulations, title 40, sections 60.5220 to 60.5225;

30.22 (7) record keeping and reporting: Code of Federal Regulations, title 40,
30.23 sections 60.5230 to 60.5235; and

30.24 (8) definitions: Code of Federal Regulations, title 40, section 60.5250.

31.1 B. For purposes of this subpart, the terms used in Code of Federal Regulations,
31.2 title 40, sections 60.5085 to 60.5250, are defined as follows:

31.3 (1) "administrator" means the commissioner; and

31.4 (2) "you" means the owner or operator of an affected sewage sludge
31.5 incineration unit.

31.6 Subp. 3. **Exceedance of emission limits.** Owners and operators of an existing
31.7 sewage sludge incinerator must comply with part 7011.1340.

31.8 **COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS**

31.9 **7011.1360 EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE** 31.10 **INCINERATORS COMPLIANCE REQUIREMENTS.**

31.11 Subpart 1. **Applicability.** Except as provided in items A to H K, the owners or
31.12 operators of a commercial or industrial solid waste incineration unit as defined in Code
31.13 of Federal Regulations, title 40, section 60.2875, that commenced construction on or
31.14 before June 4, 2010, or modification or reconstruction on or before August 7, 2013, must
31.15 comply with this part and part 7011.1365. The following units are not commercial and
31.16 industrial solid waste incineration units:

31.17 A. pathological waste units, provided that the owner or operator complies
31.18 with the notification and record keeping requirements of Code of Federal Regulations,
31.19 title 40, section 60.2555;

31.20 B. units subject to Code of Federal Regulations, title 40, part 60, subparts Ea,
31.21 Eb, Cb, AAAA, and BBBB, standards of performance for existing or new municipal waste
31.22 combustors or a federal plan for ~~medical~~ municipal waste incinerators;

31.23 C. units subject to Code of Federal Regulations, title 40, part 60, subpart Ec or
31.24 Ce, standards of performance for existing or new medical waste incinerators or a federal
31.25 plan for medical waste incinerators;

32.1 D. small power production units, if:

32.2 (1) the unit is a qualifying small power production facility under section
32.3 3(17)(C) of the Federal Power Act, United States Code, title 16, section 796(17)(C);

32.4 (2) the unit burns homogeneous wastes, not including refuse-derived fuel,
32.5 to produce electricity; and

32.6 (3) the ~~commissioner~~ administrator approves a determination that the
32.7 qualifying small power production facility is combusting homogeneous wastes, as
32.8 defined in Code of Federal Regulations, title 40, section 60.2875. The owner or operator
32.9 must maintain the records required under Code of Federal Regulations, title 40, section
32.10 60.2740(v). The request for a determination must include sufficient information to
32.11 document that the unit meets the criteria of a qualifying small power production facility
32.12 and that the waste material the unit is proposing to burn is homogeneous;

32.13 E. cogeneration facility units, if:

32.14 (1) the unit is a qualifying cogeneration facility under section 3(18)(B) of
32.15 the Federal Power Act, United States Code, title 16, section 796(18)(B);

32.16 (2) the unit burns homogeneous waste, not including refuse-derived fuel,
32.17 to produce electricity and steam or other forms of energy used for industrial solid waste,
32.18 commercial, heating, or cooling purposes; and

32.19 (3) the ~~commissioner~~ administrator approves a determination that the
32.20 qualifying cogeneration facility is combusting homogeneous waste, as defined in Code
32.21 of Federal Regulations, title 40, section 60.2875. The owner or operator must maintain
32.22 the records required under Code of Federal Regulations, title 40, section 60.2740(v). The
32.23 request for a determination must include sufficient information to document that the unit
32.24 meets the criteria of a qualifying cogeneration facility and that the waste material the
32.25 unit is proposing to burn is homogeneous;

33.1 F. hazardous waste incineration units that are required to obtain a permit under
33.2 section 3005 of the Solid Waste Disposal Act, United States Code, title 42, section 6925;

33.3 G. material recovery units that combust waste for the primary purpose of
33.4 recovering metals, such as primary and secondary smelters; and

33.5 H. air curtain incinerators, as defined under Code of Federal Regulations, title
33.6 40, section 60.2875, provided that the incinerators meet the requirements of Code of
33.7 Federal Regulations, title 40, sections 60.2810 to 60.2870, and burn only 100 percent
33.8 wood waste, 100 percent clean lumber, or 100 percent mixture of clean lumber, wood
33.9 waste, or yard waste;

33.10 I. sewage treatment plants with incinerators subject to Code of Federal
33.11 Regulations, title 40, part 61, subpart O;

33.12 J. sewage sludge incinerators subject to Code of Federal Regulations, title 40,
33.13 part 60, subpart LLLL or MMMM; and

33.14 K. other solid waste incinerators subject to Code of Federal Regulations, title
33.15 40, part 60, subpart EEEE or FFFF.

33.16 Subp. 2. **Compliance deadline.** The owners or operators of a commercial or
33.17 industrial solid waste incinerator shall demonstrate compliance with part 7011.1365 no
33.18 later than March 16, 2016, or three years after the United States Environmental Protection
33.19 Agency approves a 111(d) plan incorporating this part, whichever is earlier. Commercial
33.20 and industrial solid waste incinerators operating on the effective date of this part shall
33.21 submit a control plan to the commissioner within 180 days after the effective date of
33.22 this part.

33.23 Subp. 3. **Modifications.** If the owners or operators of a commercial or industrial solid
33.24 waste incineration unit make changes after ~~September 21, 2011~~ June 4, 2010, that meet the
33.25 definition of modification in Code of Federal Regulations, title 40, section 60.2875:

34.1 A. the commercial or industrial solid waste incineration unit becomes subject to
34.2 part 7011.1370; and

34.3 B. this part no longer applies to the commercial or industrial solid waste
34.4 incineration unit.

34.5 Subp. 4. **Physical or operational changes.** Physical or operational changes made by
34.6 owners or operators to a commercial or industrial solid waste incineration unit for which
34.7 construction commenced on or before June 4, 2010, or reconstruction or modification
34.8 commenced on or before August 7, 2013, to comply with this part:

34.9 A. are not considered modifications or reconstructions; and

34.10 B. do not result in a commercial or industrial solid waste incineration unit
34.11 becoming subject to part 7011.1370.

34.12 Subp. 5. **Exceedance of emission limits.** Owners and operators of a commercial or
34.13 industrial solid waste incineration unit must comply with part 7011.1340.

34.14 **7011.1365 INCORPORATION BY REFERENCE OF STANDARDS OF**
34.15 **PERFORMANCE EMISSION GUIDELINES AND COMPLIANCE TIMES**
34.16 **FOR EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE**
34.17 **INCINERATORS.**

34.18 A. The following requirements from Code of Federal Regulations, title 40,
34.19 subpart DDDD, sections 60.2575 to 60.2875, as amended, entitled "Emission Guidelines
34.20 and Compliance Times for Commercial and Industrial Solid Waste Incineration Units
34.21 ~~That Commenced Construction On or Before November 30, 1999~~" are incorporated by
34.22 reference, as amended:

34.23 (1) increments of progress: Code of Federal Regulations, title 40, sections
34.24 60.2575 to 60.2615. The deadlines for each increment of progress are found in Table 1 of
34.25 Code of Federal Regulations, title 40, part 60, subpart DDDD, and are as follows:

35.1 (a) owners or operators must submit a final control plan to the
35.2 commissioner by one year after the effective date of this part; and

35.3 (b) owners or operators of an affected unit must demonstrate
35.4 compliance with the emission guidelines adopted under this part within three years after
35.5 the effective date of this part;

35.6 (2) waste management plan: Code of Federal Regulations, title 40, sections
35.7 60.2620 to 60.2630;

35.8 (3) operator training and qualification: Code of Federal Regulations, title
35.9 40, sections 60.2635 to 60.2665;

35.10 (4) emission limitations and operating limits: Code of Federal Regulations,
35.11 title 40, sections 60.2670 to ~~60.2685~~ 60.2680;

35.12 (5) performance testing: Code of Federal Regulations, title 40, sections
35.13 60.2690 to 60.2695;

35.14 (6) initial compliance requirements: Code of Federal Regulations, title
35.15 40, sections 60.2700 to 60.2706;

35.16 (7) continuous compliance requirements: Code of Federal Regulations,
35.17 title 40, sections 60.2710 to 60.2725;

35.18 (8) monitoring: Code of Federal Regulations, title 40, sections 60.2730 to
35.19 60.2735;

35.20 (9) record keeping and reporting: Code of Federal Regulations, title 40,
35.21 sections 60.2740 to 60.2800;

35.22 (10) Title V operating permits: Code of Federal Regulations, title
35.23 40, section 60.2805. Owners or operators of commercial and industrial solid waste
35.24 incineration units that do not hold Title V operating permits must submit an application
35.25 for a Title V permit by one year after the effective date of this part;

36.1 (11) air curtain incinerators: Code of Federal Regulations, title 40, sections
36.2 60.2810 to 60.2870; and

36.3 (12) definitions: Code of Federal Regulations, title 40, section 60.2875.

36.4 B. For the purposes of this subpart, the terms used in Code of Federal
36.5 Regulations, title 40, sections 60.2572 to 60.2875, are defined as follows:

36.6 (1) "administrator" means the commissioner; and

36.7 (2) "you" means the owner or operator of an affected commercial and
36.8 industrial solid waste incineration unit.

36.9 **7011.1370 INCORPORATION BY REFERENCE OF NEW SOURCE**
36.10 **PERFORMANCE STANDARD FOR NEW COMMERCIAL AND INDUSTRIAL**
36.11 **SOLID WASTE INCINERATORS.**

36.12 Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part
36.13 60, subpart CCCC, as amended, entitled "Standards of Performance for Commercial and
36.14 Industrial Solid Waste Incineration Units For Which Construction Is Commenced After
36.15 November 30, 1999 or For Which Modification or Reconstruction Is Commenced On
36.16 or After June 1, 2001" is incorporated by reference, except that decisions made by the
36.17 administrator under Code of Federal Regulations, title 40, section 60.2030 (c) are not
36.18 delegated to the commissioner and must be made by the administrator.

36.19 Subp. 2. **Exceedance of emission limits.** Owners and operators of a new commercial
36.20 or industrial solid waste incinerator must comply with part 7011.1340.

36.21 **7011.7050 INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS**
36.22 **AND PROCESS HEATERS; MAJOR SOURCES.**

36.23 Code of Federal Regulations, title 40, part 63, subpart DDDDD, as amended, entitled
36.24 "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial,
36.25 and Institutional Boilers and Process Heaters," is incorporated by reference, except that

37.1 the authorities identified in Code of Federal Regulations, title 40, section 63.313 (d), are
37.2 not delegated to the commissioner and are retained by the administrator.

37.3 **7011.7055 INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS;**
37.4 **AREA SOURCES.**

37.5 Code of Federal Regulations, title 40, part 63, subpart JJJJJJ, as amended, entitled
37.6 "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial,
37.7 and Institutional Boilers Area Sources," is incorporated by reference, except that the
37.8 authorities identified in Code of Federal Regulations, title 40, section 63.11236 (c), are not
37.9 delegated to the commissioner and are retained by the administrator.

37.10 **7019.3000 EMISSION INVENTORY.**

37.11 [For text of subps 1 and 2, see M.R.]

37.12 Subp. 3. **Mercury emission sources.** Owners or operators of a mercury emission
37.13 source as defined in part 7005.0100, subpart 23b, must submit an annual emission
37.14 inventory report of the mercury emissions to the commissioner in a format specified by the
37.15 commissioner. The report must be submitted on or before April 1 of the year following the
37.16 year being reported. The initial report must cover the first full calendar year following the
37.17 effective date of this part. Owners or operators of stationary sources that have air emissions
37.18 of mercury but that are not mercury emission sources must report every three years.

37.19 Subp. 4. **Possible mercury emission sources.** If the commissioner determines that a
37.20 stationary source has activity levels or emission factors that indicate that the source may
37.21 be a mercury emission source, the commissioner may request that the owners or operators
37.22 quantify the source's mercury emissions using the methods listed in part 7019.3030, item
37.23 A. The owners or operators must complete the quantification and submit a report to the
37.24 commissioner within 120 days of the commissioner's request.

38.1 **7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION**
38.2 **INVENTORY.**

38.3 [For text of items A to E, see M.R.]

38.4 F. All owners or operators of an emission reporting facility submitting an
38.5 emission inventory based in whole, or in part, on a material balance calculation shall
38.6 submit a sample material balance calculation with the emission inventory. Such facilities
38.7 shall also maintain a record of the material safety data sheets or vendor certification of
38.8 the VOC, mercury, or sulfur content of the material for each material or fuel used and
38.9 the material balance calculations for a period of five years after the date of submittal of
38.10 the emission inventory.

38.11 [For text of item G, see M.R.]

38.12 **7019.3030 METHOD OF CALCULATION.**

38.13 A. The owner or operator of an emission reporting facility, except one issued an
38.14 option C or D registration permit under part 7007.1125 or 7007.1130 or a capped permit
38.15 under parts 7007.1140 to 7007.1148, shall calculate the facility's actual emissions using
38.16 the methods listed in subitems (1) to (4). The methods are listed in a hierarchy of the most
38.17 preferred method to the least preferred method. The most preferred method available shall
38.18 be used. Where more than one method is listed in the subitem, they are considered to be
38.19 equal in the hierarchy and any can be used:

38.20 (1) part 7019.3040 (continuous emission monitor data);

38.21 (2) part 7019.3050, item B (performance test data);

38.22 (3) part 7019.3060 (VOC material balance), 7019.3065 (mercury material
38.23 balance), 7019.3070 (SO₂ material balance), 7019.3080 (emission factor), or 7019.3090
38.24 (enforceable limitations), as applicable; or

38.25 (4) part 7019.3100 (facility proposal).

39.1 [For text of items B and C, see M.R.]

39.2 **7019.3050 PERFORMANCE TEST DATA.**

39.3 A. If an emission reporting facility or mercury emission source as defined in
39.4 part 7005.0100, subpart 23b, has collected representative emission data through the use of
39.5 performance tests in compliance with the preconditions in items B and C, and if CEM data
39.6 under part 7019.3040 is not available, the facility shall calculate its emissions based on
39.7 performance tests. If the emission data is unrepresentative because fuel or material feed
39.8 used under the test conditions is substantially different than the conditions under which the
39.9 emissions unit is normally operated or because the emissions unit has been modified, the
39.10 facility shall calculate its emissions based on the next highest available method. Emissions
39.11 unit operating load variation from test load does not make the data unrepresentative. In
39.12 the event that the facility has collected emission data through the use of performance tests
39.13 and determines that the data is unrepresentative for any reason, the facility shall submit
39.14 an explanation of why the data is unrepresentative with the emissions calculated using
39.15 the next highest available method. The commissioner shall determine if the conditions
39.16 of the performance test were representative based upon the operating data supplied by
39.17 the facility for the year of the inventory.

39.18 [For text of items B and C, see M.R.]

39.19 D. If the most recently conducted performance test data is more than ten years
39.20 older than the last date of the emission inventory period, then the emission factor derived
39.21 from the performance test shall be used if it results in higher calculated emissions than
39.22 any default emission factor allowed under part 7019.3060, 7019.3070, or 7019.3080,
39.23 as applicable, unless an alternative factor is approved by the commissioner under part
39.24 7019.3100 (facility proposal) or unless continuous emission monitor data that satisfies
39.25 the conditions of part 7019.3040 is available. The performance test data must be
39.26 representative of operating conditions during the calendar year for which the emission

40.1 inventory is being submitted. Mercury emission sources, as defined in part 7005.0100,
40.2 subpart 23b, must follow the testing schedule in item E.

40.3 E. Unless a mercury emission source, as defined in part 7005.0100, subpart 23b,
40.4 is already subject to a compliance demonstration for mercury under another applicable
40.5 requirement, operating permit, or enforceable agreement, the owners or operators of the
40.6 source must test according to subitems (1) to (5):

40.7 (1) the owners or operators of a mercury emission source in operation on or
40.8 before the effective date of this part must conduct an initial performance test for mercury
40.9 emissions on the emission units and processes described in subitem (2):

40.10 (a) the owners or operators must submit the test report to the
40.11 commissioner within 365 days of the effective date of this part; and

40.12 (b) the test must be conducted in compliance with parts 7017.2001
40.13 to 7017.2060;

40.14 (2) the emission units and processes to be tested are those for which prior
40.15 testing conducted under chapter 7017, emission factors, or similar calculations indicate
40.16 actual emissions are three or more pounds of mercury per year from each unit or process;

40.17 (3) the owners or operators of a mercury emission source that commences
40.18 operation or makes a physical or operational change that results in an increase in the
40.19 potential to emit mercury after the effective date of this part must conduct an initial
40.20 performance test for mercury emissions within 180 days of initial start-up or on a schedule
40.21 established in an air emission permit or other enforceable agreement and submit the test
40.22 report to the commissioner. "Start-up" has the meaning given in part 7005.0100, subpart
40.23 42a. "Potential to emit" has the meaning given in part 7005.0100, subpart 35a;

40.24 (4) if a stationary source has mercury emissions from units or processes that
40.25 are substantially equivalent, the results of testing from one may be applied to the others,

41.1 scaled for throughput or operating hours. With the test results, the owners or operators
41.2 must provide documentation that the units or processes are substantially equivalent; and

41.3 (5) after the initial test, the owners or operators must conduct subsequent
41.4 performance tests within 60 months of each prior test:

41.5 (a) subsequent performance tests are not required if the owners or
41.6 operators determine that the stationary source is no longer a mercury emission source as
41.7 defined under part 7005.0100, subpart 23b; and

41.8 (b) if the stationary source becomes a mercury emission source again,
41.9 the owners or operators must resume conducting subsequent performance tests according
41.10 to this subitem within 180 days of making the determination that actual emissions exceed
41.11 the threshold for a mercury emission source.

41.12 **7019.3065 MERCURY MATERIAL BALANCE.**

41.13 ~~If an owner or operator does not have either a continuous emission monitor to monitor~~
41.14 ~~the facility's mercury emissions or a physical location at which to conduct a mercury~~
41.15 ~~emissions performance test and if inputs and outputs of mercury are known~~ If the methods
41.16 in parts 7019.3040 and 7019.3050 are unavailable to an emission reporting facility, the
41.17 owner or operator of a mercury emission source may calculate mercury air emissions using
41.18 the material balance method described in this part. This method may be used in conjunction
41.19 with or instead of emission factors and enforceable limitations methods described in parts
41.20 7019.3080 and 7019.3090, where applicable. A person using material balance to calculate
41.21 mercury emissions must determine the total mercury air emissions (E) as follows:

41.22
$$E = (A - B - C) * (1 - CE)$$

41.23 Where:

41.24 A = the total amount of mercury entering the process. The amount of mercury used in
41.25 this calculation must be the amount certified by the supplier, the maximum amount stated

42.1 on a material safety data sheet, or the maximum amount determined by sample analysis
42.2 using a reference method.

42.3 B = the sum of the amount of mercury incorporated into manufactured products. The
42.4 owner or operator must submit an explanation of how this quantity was determined.

42.5 C = the sum of the amount of mercury leaving the process by a mechanism other than
42.6 through controlled stack gases or in a product, as when material leaves the process as a
42.7 waste, is recycled, or is approved for beneficial reuse. The mercury leaving the process by
42.8 such a mechanism must be established by sample analysis using a reference method. If the
42.9 actual mercury content of the mercury leaving the process is unknown, then $C = 0$.

42.10 CE = the overall efficiency, or the product of capture efficiency and control efficiency,
42.11 of any air pollution control device used to capture or control mercury air emissions,
42.12 expressed as a decimal fraction of 1.00. The overall efficiency must be based on efficiency
42.13 factors, as defined in part 7005.0100, subpart 9b, or must be based on the overall efficiency
42.14 verified by a performance test conducted according to parts 7017.2001 to 7017.2060.

42.15 **REPEALER.** Minnesota Rules, parts 7011.1201, subpart 12; 7011.1215, subpart 6;
42.16 7011.1225, subpart 4; and 7011.1290, are repealed.