

## Pollution Control Agency

### Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental Justice Areas

#### 7007.0050 SCOPE.

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

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

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

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

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

**7007.0100 DEFINITIONS.**

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

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

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

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

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

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

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

**7007.0150 PERMIT REQUIRED.**

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

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

**7007.0500 CONTENT OF PERMIT APPLICATION.**

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

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

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

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

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

- (1) the cumulative impacts analysis, if required under part 7007.6090; and
- (2) the community benefit agreement, if required under part 7007.6110.

**7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.**

*[For text of subpart 1, see Minnesota Rules]*

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

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

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

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

**7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.**

[For text of subpart 1, see Minnesota Rules]

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

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

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

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

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

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

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

[For text of item B, see Minnesota Rules]

[For text of subpart 4, see Minnesota Rules]

**7007.1000 ISSUING AND DENYING PERMITS.**

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

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

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

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

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

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

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

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

*[For text of subpart 3, see Minnesota Rules]*

#### **7007.1300 INSIGNIFICANT ACTIVITIES LIST.**

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

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

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

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

CAS#	Chemical Name	De Minimis Level (tons/year)
57147	1,1-Dimethyl hydrazine	0.008
79005	1,1,2- Trichloroethane	1
79345	1,1,2,2-Tetrachloroethane	0.3
96128	1,2-Dibromo-3-chloropropane	0.01
122667	1,2-Diphenylhydrazine	0.09
106887	1,2-Epoxybutane	1
75558	1,2-Propylenimine (2-Methyl aziridine)	0.003
120821	1,2,4-Trichlorobenzene	10
106990	1,3-Butadiene	0.07
542756	1,3-Dichloropropene	1
1120714	1,3-Propane sultone	0.03
106467	1,4-Dichlorobenzene(p)	3
123911	1,4-Dioxane (1,4-Diethyleneoxide)	6
53963	2-Acetylaminofluorine	0.005
532274	2-Chloroacetophenone	0.06
79469	2-Nitropropane	1
540841	2,2,4-Trimethylpentane	5
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	6E-07
584849	2,4-Toluene diisocyanate	0.1
51285	2,4-Dinitrophenol	1
121142	2,4-Dinitrotoluene	0.02
94757	2,4-D, salts, esters (2,4-Dichlorophenoxy acetic acid)	10
95807	2,4-Toluene diamine	0.02
95954	2,4,5-Trichlorophenol	1
88062	2,4,6-Trichlorophenol	6
91941	3,3-Dichlorobenzidene	0.2

119904	3,3'-Dimethoxybenzidine	0.1
119937	3,3'-Dimethyl benzidine	0.008
92671	4-Aminobiphenyl	1
92933	4-Nitrobiphenyl	1
100027	4-Nitrophenol	5
101144	4,4-Methylene bis(2-chloroaniline)	0.2
101779	4,4'-Methylenedianiline	1
534521	4,6-Dinitro-o-cresol, and salts	0.1
75070	Acetaldehyde	9
60355	Acetamide	1
75058	Acetonitrile	4
98862	Acetophenone	1
107028	Acrolein	0.04
79061	Acrylamide	0.02
79107	Acrylic acid	0.6
107131	Acrylonitrile	0.3
107051	Allyl chloride	1
62533	Aniline	1
71432	Benzene	2
92875	Benzidine	0.0003
98077	Benzotrichloride	0.006
100447	Benzyl chloride	0.1
57578	beta-Propiolactone	0.1
92524	Biphenyl	10
117817	Bis(2-ethylhexyl)phthalate(DEHP)	5
542881	Bis(chloromethyl)ether	0.0003
75252	Bromoform	10
156627	Calcium cyanamide	10
133062	Captan	10

63252 Carbaryl	10
75150 Carbon disulfide	1
56235 Carbon tetrachloride	1
463581 Carbonyl sulfide	5
120809 Catechol	5
133904 Chloramben	1
57749 Chlordane	0.01
7782505 Chlorine	0.1
79118 Chloroacetic acid	0.1
108907 Chlorobenzene	10
510156 Chlorobenzilate	0.4
67663 Chloroform	0.9
107302 Chloromethyl methyl ether	0.1
126998 Chloroprene	1
1319773 Cresols/Cresylic acid (isomers and mixture)	1
95487 o-Cresol	1
108394 m-Cresol	1
106445 p-Cresol	1
98828 Cumene	10
334883 Diazomethane	1
132649 Dibenzofuran	5
72559 DDE (p,p'-Dichlorodiphenyldichloroethylene)	0.01
84742 Dibutylphthalate	10
111444 Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.06
62737 Dichlorvos	0.2
11422 Diethanolamine	5
64675 Diethyl sulfate	1
60117 Dimethyl aminoazobenzene	1
79447 Dimethyl carbamoyl chloride	0.02

68122 Dimethyl formamide	1
131113 Dimethyl phthalate	10
77781 Dimethyl sulfate	0.1
106898 Epichlorohydrin	2
140885 Ethyl acrylate	1
100414 Ethyl benzene	10
51796 Ethyl carbamate (Urethane)	0.8
75003 Ethyl chloride	10
106934 Ethylene dibromide (Dibromoethane)	0.1
107062 Ethylene dichloride (1,2-Dichloroethane)	0.8
107211 Ethylene glycol	10
151564 Ethylene imine (Aziridine)	0.003
75218 Ethylene oxide	0.1
96457 Ethylene thiourea	0.6
75343 Ethylidene dichloride (1,1-Dichloroethane)	1
50000 Formaldehyde	2
76448 Heptachlor	0.02
118741 Hexachlorobenzene	0.01
87683 Hexachlorobutadiene	0.9
77474 Hexachlorocyclopentadiene	0.1
67721 Hexachloroethane	5
822060 Hexamethylene,-1,6-diisocyanate	0.02
680319 Hexamethylphosphoramide	0.01
110543 Hexane	10
302012 Hydrazine	0.004
7647010 Hydrochloric acid	10
7664393 Hydrogen fluoride	0.1
123319 Hydroquinone	1
78591 Isophorone	10

58899 Lindane (hexachlorocyclohexane, gamma)	0.01
108316 Maleic anhydride	1
67561 Methanol	10
72435 Methoxychlor	10
74839 Methyl bromide (Bromomethane)	10
74873 Methyl chloride (Chloromethane)	10
71556 Methyl chloroform (1,1,1-Trichloroethane)	10
60344 Methyl hydrazine	0.06
74884 Methyl iodide (Iodomethane)	1
108101 Methyl isobutyl ketone	10
624839 Methyl isocyanate	0.1
80626 Methyl methacrylate	10
1634044 Methyl tert-butyl ether	10
12108133 Methylcyclopentadienyl manganese	0.1
75092 Methylene chloride (Dichloromethane)	10
101688 Methylene diphenyl diisocyanate	0.1
91203 Naphthalene	10
98953 Nitrobenzene	1
62759 N-Nitrosodimethylamine	0.001
69892 N-Nitrosomorpholine	1
684935 N-Nitroso-N-methylurea	0.0002
121697 N,N-Dimethylaniline	1
90040 o-Anisidine	1
95534 o-Toluidine	4
56382 Parathion	0.1
82688 Pentachloronitrobenzene (Quintobenzene)	0.3
87865 Pentachlorophenol	0.7
108952 Phenol	0.1
75445 Phosgene	0.1

7803512 Phosphine	5
7723140 Phosphorous	0.1
85449 Phthalic anhydride	5
1336363 Polychlorinated biphenyls (Aroclors)	0.009
106503 p-Phenylenediamine	10
123386 Propionaldehyde	5
114261 Propoxur (Baygone)	10
78875 Propylene dichloride (1,2-Dichloropropane)	1
75569 Propylene oxide	5
91225 Quinoline	0.006
106514 Quinone	5
100425 Styrene	1
96093 Styrene oxide	1
127184 Tetrachloroethylene (Perchloroethylene)	10
7550450 Titanium tetrachloride	0.1
108883 Toluene	10
8001352 Toxaphene (chlorinated camphene)	0.01
79016 Trichloroethylene	10
121448 Triethylamine	10
1582098 Trifluralin	9
108054 Vinyl acetate	1
593602 Vinyl bromide (bromoethene)	0.6
75014 Vinyl chloride	0.2
75354 Vinylidene chloride (1,1-Dichloroethylene)	0.4
1330207 Xylenes (isomers and mixture)	10
108383 m-Xylenes	10
95476 o-Xylenes	10
106423 p-Xylenes	10
- Arsenic and inorganic arsenic compounds	0.005

7784421	Arsine	0.1
	- Antimony compounds (except those specifically listed)*	5
1309644	Antimony trioxide	1
1345046	Antimony trisulfide	0.1
7783702	Antimony pentafluoride	0.1
28300745	Antimony potassium tartrate	1
	- Beryllium compounds (except Beryllium salts)	0.008
	- Beryllium salts	0.00002
	- Cadmium compounds	0.01
130618	Cadmium oxide	0.01
	- Chromium compounds (except Hexavalent and Trivalent)	5
	- Hexavalent Chromium compounds	0.002
	- Trivalent Chromium compounds	5
10025737	Chromic chloride	0.1
744084	Cobalt metal (and compounds, except those specifically listed)*	0.1
10210681	Cobalt carbonyl	0.1
62207765	Fluomine	0.1
	- Coke oven emissions	0.03
	- Cyanide compounds (except those specifically listed)*	5
143339	Sodium cyanide	0.1
151508	Potassium cyanide	0.1
	- Glycol ethers (except those specifically listed)*	5
110805	2-Ethoxy ethanol	10
111762	Ethylene glycol monobutyl ether	10
108864	2-Methoxy ethanol	10
	- Lead and compounds (except those specifically listed)*	0.01
75741	Tetramethyl lead	0.01
78002	Tetraethyl lead	0.01

7439965	Manganese and compounds (except those specifically listed)*	0.8
12108133	Methylcyclopentadienyl manganese	0.1
	- Mercury compounds (except those specifically listed)*	0.01
10045940	Mercuric nitrate	0.01
748794	Mercuric chloride	0.01
62384	Phenyl mercuric acetate	0.01
	- Elemental Mercury	0.01
	- Mineral fiber compounds (except those specifically listed)*	a
1332214	Asbestos	a
	- Erionite	a
	- Silica (crystalline)	a
	- Talc (containing asbestos from fibers)	a
	- Glass wool	a
	- Rock wool	a
	- Slag wool	a
	- Ceramic fibers	a
	- Nickel compounds (except those specifically listed)*	1
13463393	Nickel Carbonyl	0.1
12035722	Nickel refinery dust	0.08
	- Nickel subsulfide	0.04
	- Polycyclic organic matter-POM (except those specifically listed)*	0.01
56553	Benz(a)anthracene	0.01
50328	Benzo(a)pyrene	0.01
205992	Benzo(b)fluoranthene	0.01
57976	7,12-Dimethylbenz(a)anthracene	0.01
225514	Benz(c)acridine	0.01
218019	Chrysene	0.01
53703	Dibenz(ah)anthracene	0.01

189559	1,2:7,8-Dibenzopyrene	0.01
193395	Indeno(1,2,3-cd)pyrene	0.01
	- Dioxins & Furans (TCDD equivalent)**	-
7782492	Selenium and compounds (except those specifically listed)*	0.1
7488564	Selenium sulfide (mono and di)	0.1
7783075	Hydrogen selenide	0.1
10102188	Sodium selenite	0.1
13410010	Sodium selenate	0.1
99999918	Radionuclides (including radon)	b

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

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

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

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

per million. The individual radionuclides subject to de minimis levels are contained in Code of Federal Regulations, title 40, part 61.

#### **7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.**

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

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

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

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

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

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

(2) the amended permit has been issued.

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

#### **CUMULATIVE IMPACTS ANALYSIS**

##### **7007.6000 SCOPE.**

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

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

### 7007.6010 DEFINITIONS.

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

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

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

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

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

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

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

Subp. 6. **Adverse environmental stressor.** "Adverse environmental stressor" means an environmental stressor in the environmental justice area that is higher than the reference

value or, if a reference value is not specified, the environmental justice area's geographic point of comparison.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subp. 20. **Farmer cancer multipathway risk.** "Farmer cancer multipathway risk" means the cancer risk from different exposure routes, such as inhalation, oral, and dermal, for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown

produce, drinks home-produced milk, and eats homegrown meat products, including eggs, that could be affected by a stationary source's emissions.

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

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

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

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

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

cardiovascular, or reproductive; and developmental effects, such as lowered birth weight and birth defects.

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

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

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

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

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

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

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

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

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

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

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

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

Subp. 34. **Reference value.** "Reference value" means a standard or benchmark that is used to compare and assess the value for an environmental stressor and that serves as a comparison point against which the numerical value for an environmental stressor present in an environmental justice area is compared, measured, or evaluated. A reference value is used to determine whether an environmental justice area has adverse environmental stressors.

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

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

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

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

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

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

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

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

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

**7007.6020 APPLICABILITY AND PROCEDURES.**

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

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

B. located in:

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

or

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

Subp. 2. **Exemptions.**

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

(1) a general permit under part 7007.1100;

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

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

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

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

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

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

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

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

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

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

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

C. the combined stressor total in each census tract;

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

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

**Subp. 6. Procedural overview.**

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

- (1) the environmental stressors;
- (2) the geographic point of comparison;
- (3) any adverse environmental stressors; and
- (4) whether the impacted environmental justice area has adverse cumulative stressors.

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

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

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

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

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

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

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

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

### **7007.6030 TRIBAL CONSIDERATIONS.**

#### **Subpart 1. Applicability.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the requested permit action;

(b) draft project schedule documents;

(c) the initial assessment required under part 7007.6050;

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

and

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

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

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

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

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

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

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

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

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

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

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

and

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

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

#### **7007.6040 GENERAL REQUIREMENTS.**

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

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

- A. take action on any conditions of parts 7007.6000 to 7007.6120;
- B. determine violations of parts 7007.6000 to 7007.6120;
- C. evaluate potential impacts or the processes and products of the stationary source;

or

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

Subp. 3. **Record keeping.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- C. a summary of the objectives, goals, and outcomes of the meetings; and
- D. copies of any written or oral comments received from residents of the impacted environmental justice area during the meetings.

### **7007.6050 INITIAL ASSESSMENT.**

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

#### Subp. 2. **Submission.**

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

B. The initial assessment must contain:

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

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

(3) the information specified in subpart 3; and

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

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

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

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

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

(2) a map showing one mile distant from the stationary source property boundaries;

(3) the location of and proximity to public spaces, residential dwellings, child day cares, prisons, and other stationary sources with air permits in and around the surrounding area; and

(4) a description of local zoning and the geography of the surrounding area;

C. a description of the stationary source's current and proposed operations, including:

(1) the purpose of the requested permit action;

(2) how the stationary source's current and proposed operations benefit the residents of the impacted environmental justice area;

(3) types of production equipment, types of pollution or environmental control measures and monitoring, hours of operation, traffic routes, number of employees, and other information relevant to assessing the potential for the stationary source to impact the environment or the health of the residents of the impacted environmental justice area; and

(4) if the requested permit action includes new construction or facility expansion, the project schedule including anticipated start of construction and completion dates for major phases of construction, any pollution or environmental control measures and monitoring instrumentation, hours of construction, on-site equipment, traffic routes, number of employees, and all other information relevant to the potential for the construction to impact the environment or the health of the residents of the impacted environmental justice area;

D. a list of all federal, state, and local permits that are required, or will be required, for construction or operation of the stationary source, including and in addition to those listed in part 7007.6010, subpart 31;

E. evidence of satisfaction of any local environmental justice or cumulative impacts analysis ordinances with which the applicant is required to comply;

F. the environmental stressor information for the impacted environmental justice area obtained according to part 7007.6020, subpart 6, item A;

G. an assessment of the impacts of the requested permit action, both positive and negative, to the environment or the health of residents of the impacted environmental justice area, which must:

(1) identify the processes, including the amounts and pathways of pollution associated with the processes, that have the potential to impact the environment or the health of residents of the impacted environmental justice area;

(2) consider the impacts under worst case conditions as defined under part 7017.2005, subpart 8;

(3) identify the impacts at every stage of construction and operation of the stationary source; and

(4) consider each environmental stressor identified in item F and how each stressor may increase adverse effects of the stationary source or increase the impact that stationary source has on the environment or the health of residents of the impacted environmental justice area;

H. if the requested permit action includes facility expansion, detailed calculations of potential emissions of the pollutants identified in subpart 4, item B, calculated as described in part 7007.1200, subpart 3. The detailed calculations must also include a comparison to the thresholds identified in subpart 4, item B;

I. a description of any current or proposed emission or operating limits, operational conditions, control measures, or other measures to:

(1) avoid, minimize, or reduce negative impacts of the stationary source on the environment or the health of residents of the impacted environmental justice area; or

(2) provide an environmental or health benefit to residents of the impacted environmental justice area;

J. a detailed and complete compliance history for the stationary source, including copies of any enforcement actions issued to the stationary source for the three years preceding the date the requested permit action is received;

K. a description of any structural or operational changes that have occurred at the stationary source since the effective date of this part, or the date the most recent permit was issued with a cumulative impacts analysis approved under parts 7007.6000 to 7007.6120, whichever is later; and

L. if a cumulative impacts analysis was previously approved according to parts 7007.6000 to 7007.6120, a summary of the most recently approved cumulative impacts analysis and a description of any changes or proposed changes to data and information used to support the most recently approved cumulative impacts analysis compared to the data and information included in the initial assessment required by this part.

Subp. 4. **Benchmarks for requiring cumulative impacts analysis.**

A. If the requested permit action includes new construction, the owner or operator must conduct a cumulative impacts analysis under part 7007.6090.

B. If the requested permit action includes facility expansion, the owner or operator must conduct a cumulative impacts analysis under part 7007.6090 if the facility expansion has the potential to emit, as calculated according to part 7007.1200, subpart 3:

(1) one or more of the following pollutants at a rate equal to or greater than the specified amount, in pounds per hour:

- (a) NO<sub>x</sub> emissions - 2.28 pounds per hour;
- (b) SO<sub>2</sub> emissions - 2.28 pounds per hour;
- (c) VOC emissions - 2.28 pounds per hour;
- (d) PM emissions - 1.43 pounds per hour;
- (e) PM-10 emissions - 0.855 pounds per hour;
- (f) PM-2.5 emissions - 0.571 pounds per hour;
- (g) CO emissions - 5.7 pounds per hour;
- (h) Pb emissions - 0.025 pounds per hour;
- (i) fluoride emissions - 0.171 pounds per hour;
- (j) sulfuric acid mist emissions - 0.400 pounds per hour;
- (k) H<sub>2</sub>S emissions - 0.571 pounds per hour;
- (l) total reduced sulfur including H<sub>2</sub>S emissions - 0.571 pounds per hour;
- (m) total reduced sulfur compounds including H<sub>2</sub>S emissions - 0.571 pounds per hour;
- (n) municipal waste combustor organics emissions - 2.00E-07 pounds per hour;
- (o) municipal waste combustor metals emissions - 0.856 pounds per hour;
- (p) municipal solid waste landfill gas emissions - 2.85 pounds per hour;
- (q) CO<sub>2</sub>e emissions - 4,281 pounds per hour; or

(r) total HAP emissions - 0.057 pounds per hour; or

(2) a hazardous air pollutant under part 7007.1300, subpart 5, at a rate equal to or greater than 25 percent of the hazardous air pollutant thresholds under part 7007.1300, subpart 5, converted to pounds per hour.

C. If the requested permit action includes reissuance of a permit, the owner or operator of a stationary source must conduct a cumulative impacts analysis under part 7007.6090 if an enforcement action was issued to the stationary source by the commissioner, a county governmental authority delegated powers by agreement with the commissioner, or the United States Environmental Protection Agency for any environmental media within the three years before the date the application for reissuance is received, for a violation:

- (1) for a failed performance test;
- (2) that includes criminal enforcement;
- (3) that includes a forgivable or nonforgivable monetary penalty; or
- (4) that results in an administrative order.

**Subp. 5. Notice of initial assessment.**

A. The commissioner must post notice of receiving an initial assessment under this part on the agency website. Any person may request to receive notice from the commissioner of initial assessments received.

B. The notice must include, at a minimum:

- (1) the name and location of the stationary source;
- (2) the name and address of the owner or operator;
- (3) the name and address of the agency;
- (4) the activity or activities involved in the requested permit action;

(5) the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the initial assessment and any other relevant supporting materials that are public; and

(6) a statement that persons may file a petition, as described in part 7007.6060, requesting the commissioner to require the owner or operator of a stationary source to conduct a cumulative impacts analysis for the requested permit action.

### **7007.6060 PETITION PROCESS.**

#### **Subpart 1. Petition.**

A. Any person may request that the commissioner require the owner or operator of a stationary source to conduct a cumulative impacts analysis for a requested permit action by filing a petition that contains the signatures and mailing addresses of at least 100 individuals who reside or own property in the impacted environmental justice area.

B. Any petition filed according to item A and this part must be submitted to the commissioner on or before the date the public notice and comment period for the draft permit ends according to part 7007.0850, subpart 2.

#### **Subp. 2. Content.**

A. The petition must include:

- (1) a description of the requested permit action;
- (2) the name of the owner or operator of the stationary source;
- (3) the name, mailing address, email address, and telephone number of the petitioners' representative;
- (4) the name, mailing address, and signature of at least 100 individuals who reside or own property in the impacted environmental justice area;

(5) a brief description of the potential impacts of the requested permit action to the environment or the health of the residents of the impacted environmental justice area; and

(6) material evidence that demonstrates that the requested permit action may have the potential to substantially impact the environment or the health of the residents of the impacted environmental justice area if the requested permit action is issued.

B. All material evidence under item A, subitem (6), must be submitted with the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.

Subp. 3. **Filing.**

A. The petitioners must submit the petition to the address specified by the commissioner, in a format specified by the commissioner.

B. The petitioners must notify, in writing, the owner or operator of the stationary source named in subpart 2, item A, at the time they submit a petition to the commissioner.

Subp. 4. **Completeness review.**

A. The commissioner must determine whether the petition complies with subparts 1 to 3.

B. The commissioner must notify, in writing, the petitioners' representative and the owner or operator of the stationary source whether the petition complies with subparts 1 to 3.

C. If the petition complies with subparts 1 to 3, the notice in item B must state that:

(1) the petition complies with subparts 1 to 3; and

(2) the commissioner will review the petition to determine whether to grant or deny the petition following the procedures in subpart 5.

D. If the petition does not comply with subparts 1 to 3, the notice in item B must:

(1) state that the petition does not comply with subparts 1 to 3;

(2) identify all deficiencies;

(3) advise the petitioners' representative how the deficiencies can be remedied;

and

(4) state that the petitioners must remedy all identified deficiencies within 15 calendar days of the notice and that failure to remedy all identified deficiencies will void the petition.

E. If the petition does not comply with subparts 1 to 3 and the petitioners fail to remedy all of the deficiencies identified in item D, subitem (2), within 15 calendar days, the petition is void and the commissioner must notify the petitioners' representative that the petition is void.

Subp. 5. **Commissioner's decision.**

A. The commissioner must grant the petition and require the owner or operator of a stationary source to conduct a cumulative impacts analysis if the information considered in item C demonstrates that the requested permit action may have the potential to substantially impact the environment or the health of the residents of the impacted environmental justice area if the requested permit action is issued.

B. The commissioner must deny the petition if the information considered in item C fails to demonstrate that the requested permit action may have the potential to substantially impact the environment or the health of the residents of the impacted environmental justice area if the requested permit action is issued.

C. In determining whether to grant or deny the petition, the commissioner must consider:

- (1) material evidence presented by the petitioners in the petition;
- (2) material evidence presented by the owner or operator of the stationary source, including the requested permit action and the initial assessment required under part 7007.6050;
- (3) material evidence presented by other persons;
- (4) material evidence otherwise known to the commissioner; and
- (5) any other information and data the commissioner deems relevant.

D. In determining whether to grant or deny the petition, the commissioner must consider the information identified in item C and evaluate the impacts that may be expected to occur from the requested permit action using the criteria listed in part 7007.6070, subpart 4.

Subp. 6. **Notice of petition.**

A. If the petition complies with subparts 1 to 3, the commissioner must post notice of receiving a petition under this part on the agency website. Any person may request to receive notice from the commissioner of petitions received.

B. The notice must include, at a minimum:

- (1) the name and location of the stationary source;
- (2) the name and address of the owner or operator;
- (3) the name and address of the agency;
- (4) the activity or activities involved in the requested permit action; and

(5) the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the petition and any other relevant supporting materials that are public.

**7007.6070 DETERMINATION OF NEED.**

Subpart 1. **Mandatory cumulative impacts analysis.** The commissioner must require an owner or operator to conduct a cumulative impacts analysis for the requested permit action if:

A. the requested permit action meets or exceeds any of the benchmarks specified in part 7007.6050, subpart 4; or

B. the commissioner determines, using the criteria in subpart 4, that issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area.

Subp. 2. **Discretionary cumulative impacts analysis.** The commissioner may require an owner or operator to conduct a cumulative impacts analysis for the requested permit action if:

A. the requested permit action does not meet or exceed any of the benchmarks specified in part 7007.6050, subpart 4, but the commissioner determines that a cumulative impacts analysis is necessary and supported by material evidence;

B. the commissioner determines under the petition process in part 7007.6060 that issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area according to the criteria in subpart 4; or

C. the owner or operator requests to conduct a cumulative impacts analysis to determine whether issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area.

Subp. 3. **Determining need for cumulative impacts analysis.** In determining whether a cumulative impacts analysis is required under subpart 1, the commissioner must:

A. consider:

(1) the requested permit action;

(2) the initial assessment required under part 7007.6050 for the requested permit action;

(3) whether the requested permit action meets or exceeds any of the benchmarks under part 7007.6050, subpart 4;

(4) a petition submitted under part 7007.6060 and any material evidence accompanying the petition if submitted under part 7007.6060;

(5) material evidence otherwise known to the commissioner; and

(6) any other information and data the commissioner deems relevant; and

B. evaluate the impacts that may be expected to occur from the requested permit action using the criteria in subpart 4.

Subp. 4. **Determining substantial impact.** In determining whether issuing the requested permit action may substantially impact the environment or the health of the residents of an environmental justice area, the commissioner must consider:

A. the type, extent, and reversibility of potential impacts to the environment or the health of residents of an environmental justice area;

B. cumulative potential impacts, considering:

(1) whether the potential impact is significant;

(2) whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the potential impact;

(3) the degree to which the measures proposed by the owner or operator in the requested permit action are specifically designed to eliminate, minimize, or mitigate the cumulative potential impact; and

(4) the actions of the owner or operator of the stationary source to eliminate, minimize, or mitigate the contributions from the requested permit action;

C. the extent to which the potential impacts are subject to mitigation by ongoing public regulatory authority, but only if mitigation measures are specific and can be expected to mitigate the identified potential impacts of the requested permit action; and

D. the extent to which potential impacts can be anticipated and controlled as understood or explained by existing and available environmental and health studies undertaken by public agencies or the owner or operator of the stationary source, including other cumulative impacts analyses.

Subp. 5. **Insufficient information.** If the commissioner determines that there is insufficient information to make a decision about the potential for or significance of one or more environmental or health impacts but the information can be obtained, the commissioner must:

A. require the owner or operator to conduct a cumulative impacts analysis, if the commissioner would otherwise require a cumulative impacts analysis according to subpart 1 or 2, and include within the scope of the cumulative impacts analysis a requirement to obtain the lacking information; or

B. provide written notice to the owner or operator, including a brief description of the lacking information, and require the owner or operator to submit the lacking information by the time specified in the notice.

Subp. 6. **Decision document.** The commissioner must prepare a written document containing the reasons for the determination made according to subpart 3. The document must describe the information that was considered in making the decision and how the information was weighed. The commissioner must post the document on the agency website and notify the owner or operator within 30 calendar days after the determination.

### 7007.6080 PUBLIC PARTICIPATION.

Subpart 1. **Applicability.** An owner or operator of a stationary source must comply with this part if the owner or operator is required to prepare a cumulative impacts analysis under part 7007.6090 or is required to prepare a community benefit agreement under part 7007.6110.

#### Subp. 2. **Cumulative impacts analysis; public participation plan.**

A. An owner or operator must prepare and submit a cumulative impacts analysis public participation plan, in a format specified by the commissioner, that complies with this subpart when the owner or operator is required to prepare a cumulative impacts analysis under part 7007.6090. The public participation plan must include:

- (1) a summary of the initial assessment prepared according to part 7007.6050;
- (2) a description of how the owner or operator will comply with subparts 4 to 11; and
- (3) a description of expected timelines for starting and completing the public meetings required under subpart 4, item A; associated public notices required under subpart 7; and public comment periods required under subpart 8.

B. An owner or operator must submit the public participation plan to the commissioner within 30 calendar days after the date the commissioner posts the determination under part 7007.6070, subpart 6.

C. The commissioner must review and approve the public participation plan before the owner or operator provides public notice under subpart 7 for the public meeting described in subpart 4, item A, subitem (1).

D. If the commissioner does not approve the public participation plan, the commissioner must identify any deficiencies, notify the owner or operator of the deficiencies, advise the owner or operator on how to remedy all identified deficiencies, and specify a timeline for resubmitting the public participation plan.

E. An owner or operator may hire a third party to assist in developing and implementing the public participation plan.

**Subp. 3. Community benefit agreement; public participation plan.**

A. An owner or operator must prepare and submit a community benefit agreement public participation plan, in a format specified by the commissioner, that complies with this subpart when the owner or operator is required to prepare a community benefit agreement under part 7007.6110. The public participation plan must include:

(1) a summary of the substantial adverse impact identified in the commissioner's determination of substantial adverse impact required under part 7007.6100;

(2) a description of how the owner or operator will comply with subparts 4 to 11;

(3) a description of how the owner or operator will comply with part 7007.6110, subpart 2; and

(4) a description of expected timelines for starting and completing the public meetings required under subpart 4, item B; associated public notices required under subpart 7; and associated public comment periods required under subpart 8.

B. An owner or operator must submit the public participation plan to the commissioner within 30 calendar days after the date the commissioner posts the determination under part 7007.6100, subpart 4.

C. The commissioner must review and approve the public participation plan before the owner or operator provides public notice under subpart 7 for the public meeting described in subpart 4, item B, subitem (1).

D. If the commissioner does not approve the public participation plan, the commissioner must identify any deficiencies, notify the owner or operator of the deficiencies, advise the owner or operator on how to remedy all identified deficiencies, and specify a timeline for resubmitting the public participation plan.

E. The owner or operator may hire a third party to assist in developing and implementing the public participation plan.

Subp. 4. **Public meetings.**

A. Before the commissioner issues or denies the requested permit action, the owner or operator of a stationary source that is required to prepare a cumulative impacts analysis under part 7007.6090 must hold at least two public meetings in the impacted environmental justice area regarding the cumulative impacts analysis. The owner or operator must, at a minimum, hold:

(1) one public meeting before conducting the cumulative impacts analysis;  
and

(2) one public meeting after conducting the cumulative impacts analysis.

B. Before the commissioner enters into a community benefit agreement, the owner or operator that is required to prepare a community benefit agreement under part 7007.6110 must hold at least two public meetings in the impacted environmental justice area regarding the community benefit agreement. The owner or operator must, at a minimum, hold:

(1) one public meeting before preparing the draft community benefit agreement; and

(2) one public meeting after preparing the draft community benefit agreement.

**Subp. 5. Public meeting requirements.**

A. The owner or operator of a stationary source holding a public meeting under subpart 4 must:

(1) comply with this subpart;

(2) comply with the meeting-specific requirements under subpart 6 for the applicable meeting;

(3) publish notice of the public meeting according to subpart 7; and

(4) accept written and oral comments from any interested persons and respond to those comments according to subpart 8.

B. An owner or operator must hold a public meeting required under subpart 4 in the impacted environmental justice area at a location that is convenient to persons expected to attend the meeting. If the owner or operator demonstrates that there is no suitable meeting place in the impacted environmental justice area, the commissioner must approve an alternative location for the public meeting that is as close as possible to the impacted environmental justice area.

C. For a public meeting required under subpart 4, the owner or operator must:

(1) conduct the public meeting on a weekday that is not a public holiday with a start time between 5:30 p.m. and 7:30 p.m. central time, unless an alternative day and time is approved by the commissioner;

(2) include a video and audio recording of the entirety of the public meeting that is made available online for the public to view. The recording must be available within 15 calendar days after the public meeting until at least the close of the public notice and comment period for the draft permit required under part 7007.0850; and

(3) provide language interpretation services, translation services, and translated written materials upon request.

D. At a public meeting required under subpart 4, the owner or operator must provide, at a minimum:

(1) a statement that persons may request to be placed on the mailing list under subpart 7, item D, to receive notice of future proceedings under parts 7007.6000 to 7007.6120;

(2) a brief description of the comment procedures required by subpart 8, including the date on which the comment period ends and how interested persons must submit their comments;

(3) a summary description of the stationary source and the requested permit action; and

(4) a concise description regarding the requirements of parts 7007.6000 to 7007.6120 that are or may be applicable to the requested permit action.

E. The commissioner or an agency representative must attend a public meeting required under subpart 4.

F. The owner or operator must prepare a fact sheet for a public meeting required under subpart 4. The fact sheet must include:

(1) a summary description of the stationary source and the requested permit action;

(2) a concise description regarding the requirements of parts 7007.6000 to 7007.6120 that are or may be applicable to the requested permit action;

(3) a summary of the potential impacts to the environment or the health of the residents of the impacted environmental justice area;

(4) a summary of the information to be discussed at the public meeting;

(5) the beginning and end dates of the public comment period associated with the public meeting and how interested persons must submit their comments; and

(6) the name, address, telephone number, and email address of a person or a website address from which interested persons may obtain additional information or submit comments.

G. At least 45 calendar days before a public meeting required under subpart 4, the owner or operator must:

(1) provide written notice of the public meeting to the commissioner and the responsible officials of any municipalities in which the impacted environmental justice area is located;

(2) provide the commissioner a copy of the notice of the public meeting required under subpart 7; and

(3) provide the commissioner a copy of the fact sheet required under item F.

**Subp. 6. Meeting-specific requirements.**

A. At the public meeting required under subpart 4, item A, subitem (1), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of information included in the initial assessment required under part 7007.6050;

(2) a summary of the reasons why a cumulative impacts analysis is required, including references to the commissioner's determination of need under part 7007.6070;

(3) a summary of the information needed for the owner or operator to conduct the cumulative impacts analysis according to part 7007.6090; and

(4) an opportunity for any interested persons to ask questions, discuss the information to be included in the cumulative impacts analysis, and provide comments.

B. At the public meeting required under subpart 4, item A, subitem (2), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of the comments received during the public meeting required under subpart 4, item A, subitem (1), and the associated public comment period and a summary of the owner's or operator's response to the comments;

(2) a summary of the information included in and results of the cumulative impacts analysis required under part 7007.6090;

(3) an explanation of how comments received informed any information included in the cumulative impacts analysis under part 7007.6090;

(4) the owner's or operator's determination regarding whether issuing the requested permit action would have a substantial adverse impact according to part 7007.6100; and

(5) an opportunity for any interested persons to ask questions, discuss the cumulative impacts analysis, and provide comments.

C. At the public meeting required under subpart 4, item B, subitem (1), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of the comments received during the public meeting required under subpart 4, item A, subitem (2), and the associated public comment period and a summary of the owner's or operator's response to the comments;

(2) a summary of the reasons why a community benefit agreement is required, including references to the commissioner's determination of substantial adverse impact under part 7007.6100;

(3) a summary of the information needed for the owner or operator to draft the community benefit agreement according to part 7007.6110;

(4) examples of benefits that could be included in a community benefit agreement required under part 7007.6110; and

(5) an opportunity for any interested persons to ask questions, discuss the information and benefits to be included in the draft community benefit agreement, and provide comments.

D. At the public meeting required under subpart 4, item B, subitem (2), the owner or operator must provide a presentation that includes, at a minimum:

(1) a summary of the comments received during the public meeting required under subpart 4, item B, subitem (1), and the associated public comment period and a summary of the owner's or operator's response to the comments;

(2) a summary of the draft community benefit agreement required under part 7007.6110;

(3) an explanation of how comments received informed any information included in the draft community benefit agreement required under part 7007.6110; and

(4) an opportunity for any interested persons to ask questions, discuss the draft community benefit agreement, and provide comments.

Subp. 7. **Public notices.**

A. At least 30 calendar days before a public meeting required under subpart 4, the owner or operator must:

(1) post and maintain, in a legible condition, physical signs in the impacted environmental justice area that comply with item C;

(2) publish a notice in at least one newspaper of general circulation in the impacted environmental justice area;

(3) publish a notice in at least one non-English newspaper or periodical of general circulation in the impacted environmental justice area, if available, in a language representative of the residents of the impacted environmental justice area;

(4) provide notice to any interested persons signed up to receive notices through the electronic mailing list under item D; and

(5) provide notice through other methods identified and selected by the owner or operator, if necessary to ensure direct notice to persons in the impacted environmental justice area.

B. Signs and notices under item A must be in a format specified by the commissioner and must include, at a minimum:

(1) the name and location of the stationary source;

(2) the name and address of the permittee;

- (3) the name and address of the agency;
- (4) a brief description of the requested permit action and the activity or activities involved in the requested permit action;
- (5) a brief statement describing the purpose of the meeting;
- (6) a statement requesting comments to develop materials required to be prepared under parts 7007.6000 to 7007.6120;
- (7) a statement that persons may request to be placed on the mailing list required by item D to receive notice of future proceedings under parts 7007.6000 to 7007.6120;
- (8) the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the requested permit action and any other relevant supporting materials that are public;
- (9) a brief description of the comment procedures required by this part, including the dates on which the comment period begins and ends and how interested persons must submit their comments;
- (10) the date, time, and location of the applicable public meeting; and
- (11) a statement of procedures to request interpretation services, translation services, or translated written materials.

C. The physical signs required under item A, subitem (1), must:

- (1) be posted at the location of the stationary source;
- (2) be posted in at least four public spaces in each environmental justice area within the impacted environmental justice area;

(3) be at least 8.5 inches by 11 inches in size; and

(4) be in English and any one or more other languages representative of the residents of the impacted environmental justice area.

D. An owner or operator must create and maintain an electronic mailing list and provide interested persons with opportunities to sign up to receive notice of public meetings and future proceedings under parts 7007.6000 to 7007.6120.

Subp. 8. **Public comments.**

A. For a public notice under subpart 7, the owner or operator must provide at least 30 calendar days for public comment. The public comment period must remain open for at least 15 calendar days after the date of the public meeting.

B. At a public meeting required under subpart 4, the owner or operator must accept written and oral comments from any interested persons and allot sufficient time to ensure that all interested persons have an opportunity to provide oral comment at the public meeting.

C. Within 30 calendar days after a public meeting required under subpart 4, the owner or operator must provide to the commissioner an electronic copy of all written comments and a transcript of all oral comments received at the meeting.

D. The owner or operator must respond in writing to all comments and must maintain a record of the public participation process, including any public meeting. The record must include:

(1) a list of the commenters;

(2) issues raised by the commenters;

(3) comments received; and

(4) the owner's or operator's written responses to the comments.

E. An owner or operator must provide the report required under item D to the commissioner within 30 calendar days after the end of the comment period and at least 45 calendar days before the subsequent public meeting required under subpart 4.

Subp. 9. **Posting public notice documents.** For at least the duration of a comment period and for at least 30 calendar days before a public meeting, the commissioner must post the following materials on the agency website for public notices:

A. for a public meeting required under subpart 4:

(1) the notice of the public meeting required under subpart 7; and

(2) the fact sheet required under subpart 5, item F;

B. for the public meeting required under subpart 4, item A, subitem (1):

(1) the initial assessment required under part 7007.6050;

(2) the commissioner's determination of need required under part 7007.6070;

and

(3) a copy of the cumulative impacts analysis public participation plan required under subpart 2;

C. for the public meeting required under subpart 4, item A, subitem (2):

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

(2) the report required under subpart 8, item E, for the public meeting required under subpart 4, item A, subitem (1);

D. for the public meeting required under subpart 4, item B, subitem (1):

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

(2) the commissioner's determination of substantial adverse impact required under part 7007.6100;

(3) a copy of the community benefit agreement public participation plan required under subpart 3; and

(4) the report required under subpart 8, item E, for the public meeting required under subpart 4, item A, subitem (2); and

E. for the public meeting required under subpart 4, item B, subitem (2):

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

(2) the draft community benefit agreement required under part 7007.6110;

and

(3) the report required under subpart 8, item E, for the public meeting required under subpart 4, item B, subitem (1).

Subp. 10. **Record keeping.** An owner or operator must maintain:

A. copies and proof of publishing the notices of public meetings required under subpart 7, item A, subitems (2) and (3);

B. copies and proof of posting and maintaining the signs required under subpart 7, item A, subitem (1);

C. a list of physical addresses where and dates when the signs required under subpart 7, item A, subitem (1), were posted;

D. copies and proof of mailing the informational material required under part 7007.6110, subpart 2, item C;

E. copies of all written and oral comments received at any public meeting required under this part;

F. copies of all written and oral comments received during any public notice period required under this part;

- G. copies of all written responses to comments required under subpart 8, item D;
- H. copies and proof of mailing any notice of public meetings and proceedings required under subpart 7, item A, subitem (4);
- I. a record of the website address, dates of posting, and duration or removal date of the recordings required under subpart 5, item C, subitem (2); and
- J. records of any other methods used to provide notice under subpart 7, item A, subitem (5).

**Subp. 11. Additional outreach and engagement.**

A. An owner or operator may conduct additional outreach and engagement, in addition to the requirements of this part, to develop and foster existing community relations and foster community engagement at any point before or while drafting a cumulative impacts analysis and a community benefit agreement.

B. An owner or operator may use information gathered from additional or existing outreach and engagement in preparing a cumulative impacts analysis and a community benefit agreement if the owner or operator maintains records that contain:

- (1) a description of the additional or existing outreach and engagement method;
- (2) dates, times, and locations of where additional or existing outreach and engagement was conducted;
- (3) a summary of the objectives, goals, and outcomes of each additional or existing outreach and engagement activity conducted; and
- (4) copies of any written or oral comments received from residents of the impacted environmental justice area during the additional or existing outreach and engagement activity.

**7007.6090 CUMULATIVE IMPACTS ANALYSIS.**

Subpart 1. **Applicability.** An owner or operator of a stationary source must conduct and submit a cumulative impacts analysis for a requested permit action, in a format specified by the commissioner, that complies with this part when the commissioner determines that a cumulative impacts analysis is required under part 7007.6070.

Subp. 2. **Submissions.**

A. An owner or operator must submit a cumulative impacts analysis required by this part to the commissioner at least 45 calendar days before the public meeting required under part 7007.6080, subpart 4, item A, subitem (2).

B. The cumulative impacts analysis must contain:

(1) the information included in the initial assessment prepared under part 7007.6050;

(2) the information specified in subpart 3;

(3) an air quality modeling analysis required under subpart 4;

(4) an air emissions risk analysis required under subpart 5;

(5) the Tribal supplement, if required by part 7007.6030, subpart 4;

(6) the owner's or operator's determination of whether issuing the requested permit action would have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area; and

(7) the data and information used by the owner or operator to make the determination in subitem (6).

C. If the commissioner determines that additional information is necessary in order to determine the potential for, or significance of, one or more environmental or health

impacts, the commissioner must require the owner or operator to include the following additional information, as applicable:

(1) information or analyses identified during the determination of need stage under part 7007.6070, subpart 5;

(2) information or analyses needed to evaluate potential impacts identified through a petition submitted under part 7007.6060;

(3) information or analyses needed to evaluate potential impacts identified through comments provided through public participation conducted according to part 7007.6080; and

(4) any other information and analyses the commissioner deems relevant.

Subp. 3. **Cumulative impacts analysis contents.** An owner or operator must include the following information in a cumulative impacts analysis:

A. Site mapping for the stationary source showing:

(1) topographic conditions, contour data, drainage patterns, wetlands and their associated buffers, coastal zones, or other areas regulated by the Pollution Control Agency or the Department of Natural Resources;

(2) areas of known plant or animal species on the federal and state endangered, threatened, or rare plant or animal species lists;

(3) all existing water classifications and designated uses, including limitations of the groundwater and surface water bodies that are immediately adjacent to the site, exist on the site, or drain directly onto or off the site; drinking water supply management areas on the site; upstream tributaries of bodies of water that flow onto the site; and downstream tributaries of bodies of water that flow from the site, in accordance with chapter 7050; and

(4) any existing public scenic attributes or outdoor recreation and conservation opportunities in the impacted environmental justice area, such as:

(a) any federal, state, county, Tribal, or municipal parks, forests, wildlife management areas, or natural areas;

(b) any areas acquired for recreation and conservation purposes with any state, federal, local, or Tribal program or a nonprofit conservation organization;

(c) any lands preserved as open space by a nonprofit conservation organization; and

(d) other public access features.

B. Information pertaining to the existence or absence of contamination on site, which may include the existence of known or suspected contaminants, historical uses of the site, and any remediation activities that have occurred on the site.

C. An assessment of localized impacts of climate change, including pollutants, hazards, risks, and vulnerability linked to climate change, considering air quality, water quality and quantity, land use, and public health. At a minimum, the assessment must include:

(1) the current and anticipated future conditions of climate change during the life of the stationary source in the location where it is sited;

(2) contributions to climate change and its impacts from action taken by and pollutants emitted by the stationary source;

(3) impacts of climate change that may result in air quality risks and benefits, water quality and quantity risks, risks for land use, and risks to public health generally and for vulnerable populations;

(4) vulnerabilities given the locational hazards and climate risks identified;  
and

(5) proposed mitigation, adaptation, or resilience measures to address climate change vulnerabilities.

D. A traffic study that describes the transportation routes that will service the stationary source; site access capability; and existing traffic flow patterns expressed in terms of daily peak hour volumes, off-peak hour volumes, levels of service, and average daily round trips; and the stationary source's current and proposed contributions thereto for all vehicles associated with the stationary source's operations.

E. A description of the stormwater management system that identifies the type of collection and treatment system available and the current collection and treatment capacity and utilization, including the presence or absence of combined sewer overflows.

F. A description of the odor, dust, and noise impacts of construction and operation of the stationary source on the residents of the impacted environmental justice area. If the stationary source has the potential to cause odor, dust, or noise off site, the owner or operator must include an odor, dust, and noise mitigation or management plan.

G. An analysis and proposal of emission limits, operational conditions, control measures, or other measures necessary to:

(1) avoid the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area; and

(2) minimize or reduce the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area.

H. An analysis and outline of comments provided during the public notice and comment periods required under part 7007.6080. The analysis and outline must describe actions that the owner or operator will take to address issues raised in comments, including identifying any additional analyses that the owner or operator undertook to supplement the cumulative impacts analysis.

I. A description of the socioeconomic impact of construction and operation of the stationary source on the residents of the impacted environmental justice area.

Subp. 4. Air quality modeling analysis.

A. An owner or operator must conduct an air quality modeling analysis for the Minnesota ambient air quality standards and national ambient air quality standards identified in parts 7009.0080 and 7009.0090 that:

(1) indicates whether the permit for the stationary source contains requirements to conduct air dispersion modeling for criteria pollutants and identifies any past air dispersion modeling conducted for the stationary source; and

(2) evaluates the potential ambient air quality impacts from the stationary source and whether the stationary source is likely to cause or contribute to an exceedance of the ambient air quality standards.

B. An owner or operator must conduct an air quality modeling analysis in accordance with a protocol approved in advance by the commissioner according to item C. The air quality modeling analysis must address each pollutant that the stationary source has the potential to emit in an amount greater than or equal to the rates identified in Code of Federal Regulations, title 40, section 52.21(b)(23)(i).

C. The commissioner must approve a protocol under item B if the protocol:

(1) documents how the owner or operator proposes to conduct an air quality modeling analysis and how the results will be presented to the commissioner; and

(2) contains the information necessary to perform the analysis, including identifying:

(a) the current and proposed operations of the stationary source;

(b) the air quality model to be used;

- (c) types of emissions;
- (d) emission rates;
- (e) pollutant release characteristics;
- (f) buildings and related structures;
- (g) terrain data;
- (h) meteorological information;
- (i) receptor placement;
- (j) ambient air boundary;
- (k) background concentrations of regulated criteria pollutants;
- (l) other nearby sources of pollutants; and
- (m) any other information necessary to perform an accurate analysis.

D. An owner or operator must submit the results of an air quality modeling analysis conducted in accordance with the approved protocol in an air quality modeling analysis report, in a format specified by the commissioner.

E. An air quality modeling analysis report must document the results of the air quality modeling analysis and demonstrate whether issuing the requested permit action will cause or contribute to an exceedance of any ambient air quality standard.

**Subp. 5. Air emissions risk analysis.**

A. An owner or operator must conduct an air emissions risk analysis to estimate the potential human health risks from air pollution emitted by the stationary source. An air emissions risk analysis is a process that:

(1) uses spreadsheets, computer models, and inhalation health benchmarks to estimate the potential human health risks from air pollution emitted by a stationary source;

(2) indicates whether the permit for the stationary source contains requirements to conduct an air emissions risk analysis and identifies any past air emissions risk analysis conducted for the stationary source; and

(3) evaluates the potential impacts from the stationary source and whether issuing the requested permit action is likely to cause or contribute to an exceedance of the acceptable risk levels identified in item D.

B. An owner or operator must conduct an air emissions risk analysis in accordance with a protocol approved in advance by the commissioner according to item C.

C. The commissioner must approve a protocol under item B if the protocol:

(1) documents how the owner or operator proposes to conduct an air emissions risk analysis and how the results will be presented to the commissioner;

(2) contains the information necessary to perform the analysis, including identifying:

(a) the current and proposed operations of the stationary source;

(b) the air quality model to be used;

(c) types of emissions;

(d) emission rates;

(e) pollutant release characteristics;

(f) buildings and related structures;

(g) terrain data;

(h) meteorological information;

(i) receptor placement; and

(j) the ambient air boundary;

(3) includes an exposure assessment that characterizes the neighborhood and potential receptors surrounding the stationary source;

(4) defines the extent of a modeling domain;

(5) identifies information regarding the impacted environmental justice area, including population, census, and demographic information; and

(6) includes maps of sensitive receptors, zoning, land use, farming locations, and fishable water bodies.

D. An owner or operator must use the following acceptable risk levels in an air emissions risk analysis under this subpart:

(1) cancer risk of 1 in 100,000;

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

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

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

E. An owner or operator must submit the results of an air emissions risk analysis conducted in accordance with the approved protocol in an air emissions risk analysis report, in a format specified by the commissioner.

F. An air emissions risk analysis report must document the results of the air emission risk analysis and demonstrate whether issuing the requested permit action will cause or contribute to an exceedance of the acceptable risk levels identified in item D.

**7007.6100 SUBSTANTIAL ADVERSE IMPACT.**

**Subpart 1. Substantial adverse impact determination.**

A. The commissioner must determine that issuing the requested permit action would result in a substantial adverse impact to the environment or the health of the residents of the impacted environmental justice area if:

(1) the results of the air quality modeling analysis required under part 7007.6090, subpart 4, indicate that emissions from the stationary source would result in a contribution to modeled air pollution concentrations of pollutants that are greater than or equal to 50 percent of any ambient air quality standard;

(2) the results of the air emissions risk analysis required under part 7007.6090, subpart 5, indicate that emissions from the stationary source would result in a predicted maximum ambient impact that exceeds the acceptable risk levels listed in part 7007.6090, subpart 5, item D; or

(3) the commissioner determines an environmental or health impact identified in the cumulative impacts analysis is a substantial adverse impact under item B.

B. In determining whether an environmental or health impact is a substantial adverse impact, the commissioner must consider the following information and evaluate the environmental or health impact using the criteria listed in subpart 2:

(1) the requested permit action;

(2) the cumulative impacts analysis required under part 7007.6090;

(3) the environmental stressors present in the impacted environmental justice area;

(4) the comments received during the public notice and comment periods required under part 7007.6080 and during the public participation conducted according to part 7007.6080;

(5) the owner's or operator's responses to comments received during the public notice and comment periods required under part 7007.6080 and during the public participation conducted according to part 7007.6080; and

(6) the socioeconomic impact of the stationary source to residents of the impacted environmental justice area.

Subp. 2. **Criteria for evaluating environmental and health impacts.** In determining whether an environmental or health impact is a substantial adverse impact, the commissioner must evaluate:

A. the type, extent, and reversibility of the environmental or health impact;

B. cumulative impacts, considering:

(1) whether the impact is significant;

(2) whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the impact;

(3) the degree to which the measures proposed by the owner or operator in the requested permit action are specifically designed to eliminate, minimize, or mitigate the cumulative impact; and

(4) the actions of the owner or operator of the stationary source to eliminate, minimize, or mitigate the contributions from the requested permit action;

C. the extent to which the impacts are subject to mitigation by ongoing public regulatory authority, but only if mitigation measures are specific and can be expected to mitigate the identified impacts of the requested permit action;

D. the extent to which impacts can be anticipated and controlled as understood or explained by existing and available environmental and health studies undertaken by public agencies or the owner or operator of the stationary source, including other cumulative impact analyses; and

E. the environmental stressors present in the impacted environmental justice area and how they may increase the magnitude of adverse environmental or health impacts.

Subp. 3. **Insufficient information.** If the commissioner determines that there is insufficient information for a determination under subpart 1, but the information can be obtained, the commissioner must provide written notice to the owner or operator, including a brief description of the lacking information, and require the owner or operator to submit the lacking information by the time specified in the notice.

Subp. 4. **Decision document; substantial adverse impact determination.** The commissioner must prepare a written document containing the reasons for the commissioner's determination under subpart 1 regarding whether issuing the requested permit action would have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area. The document must describe the information that was considered in making the decision and how the information was weighed. The commissioner must post the document on the agency website within 30 calendar days after the determination is made.

Subp. 5. **Substantial adverse impact; avoidance and mitigation.**

A. If issuing the requested permit action would have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area

under subpart 1, the owner or operator may identify and analyze additional emission limits, operational conditions, control measures, or other measures to avoid, minimize, or reduce the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area such that there is no longer a substantial adverse impact.

B. The owner or operator may incorporate the measures identified in item A into the requested permit action and revise the cumulative impacts analysis to include the measures identified.

C. If an owner or operator revises the requested permit action and cumulative impacts analysis to incorporate the measures identified in item A so that issuing the requested permit action would no longer have a substantial adverse impact as determined under subpart 1, the owner or operator is not required to prepare a community benefit agreement under part 7007.6110.

### **7007.6110 COMMUNITY BENEFIT AGREEMENTS.**

#### **Subpart 1. Applicability.**

A. An owner or operator of a stationary source must prepare a community benefit agreement, in a format specified by the commissioner, according to this part when:

(1) the owner or operator is required to conduct a cumulative impacts analysis under part 7007.6090; and

(2) issuing the requested permit action would have a substantial adverse impact according to part 7007.6100.

B. An owner or operator of a stationary source that requests to modify a community benefit agreement previously approved under this part must prepare a request to modify a community benefit agreement, in a format specified by the commissioner, that complies with part 7007.6115.

**Subp. 2. Public outreach and engagement.**

A. An owner or operator must conduct outreach and engagement that is designed to achieve significant community involvement and provide residents of the impacted environmental justice area with opportunities to participate during the preparation of a community benefit agreement using the methods in this subpart.

B. An owner or operator must comply with the applicable public participation requirements under part 7007.6080.

C. An owner or operator must distribute printed informational material by mail to all addresses located in the impacted environmental justice area. Printed informational material must:

(1) be in English and any one or more other languages representative of the impacted environmental justice area;

(2) state the need for residents' comments in developing a draft community benefit agreement and in identifying benefits to be included in a draft community benefit agreement;

(3) include the name and location of the stationary source;

(4) include the name, address, and telephone number of a person; the email address of a person; or a website address from which interested persons may obtain additional information, including copies of the cumulative impacts analysis and any other relevant supporting materials that are public;

(5) include the date, time, and location of the applicable public meeting required under part 7007.6080, subpart 4, item B, subitem (1); and

(6) be distributed by deposit in United States mail with postage prepaid at least 30 days before the date of the applicable public meeting required under part 7007.6080, subpart 4, item B, subitem (1).

D. An owner or operator may hire a third party to assist in planning and facilitating outreach and engagement.

Subp. 3. **Community benefit agreement elements.** A community benefit agreement must include, at a minimum:

A. a description of the requested permit action that will have a substantial adverse impact on the environment or the health of the residents of the impacted environmental justice area;

B. the potential and expected impacts of the requested permit action, both positive and negative, to the environment or the health of residents of the impacted environmental justice area;

C. community benefits according to subpart 4;

D. a description of both positive and negative effects generated, whether direct, indirect, or cumulative, for each community benefit included and considered for inclusion;

E. expected timelines for starting and completing construction or implementation of the changes in the requested permit action;

F. timelines for starting and completing construction or implementation of community benefits and the duration of each community benefit, if applicable;

G. if a community benefit results in a permanent physical structure or objects, identification of the party that will have legal ownership of the structure or objects upon completion and the party responsible for applicable taxes and maintenance;

H. reporting and notification requirements according to subpart 5. Additional reporting requirements must consider the input or comments provided through public participation according to part 7007.6080;

I. details describing how each community benefit identified in item C will be deemed complete or fully implemented. Whether a benefit is complete or fully implemented must consider the input or comments provided through public participation according to part 7007.6080; and

J. other information or requirements, as determined by the commissioner, that consider the input or comments provided through public participation under part 7007.6080.

**Subp. 4. Community benefits.**

**A. Community benefits:**

(1) may be suggested by residents of the impacted environmental justice area, any interested persons, the owner or operator, and the commissioner; and

(2) must be discussed between the residents of the impacted environmental justice area and the owner or operator, at a minimum, during public meetings under part 7007.6080, subpart 4, item B.

B. Community benefits other than or in addition to economic benefits must be considered for inclusion in the community benefit agreement.

C. Community benefits that directly impact the residents of the impacted environmental justice area must be prioritized.

**Subp. 5. Reporting requirements.**

**A. A community benefit agreement must provide for:**

(1) notice of the start of construction or implementation of each community benefit identified in the community benefit agreement, to be submitted within 30 calendar days after the start date of construction or implementation;

(2) periodic progress reports summarizing the status of each community benefit, to be submitted at a frequency specified in the community benefit agreement, but at least semiannually according to item C; and

(3) notice of the completion of construction or implementation of each community benefit identified in the community benefit agreement, to be submitted within 15 calendar days after the date of completion of construction or implementation.

B. Reports and notices under item A must be submitted to the commissioner and any persons on a mailing list developed under part 7007.6080, subpart 7, item D.

C. The mid-year progress report under item A, subitem (2), covering January 1 to June 30, is due by July 30 each year, and the end-of-year progress report, covering July 1 to December 31, is due by January 30 each year.

Subp. 6. **Draft community benefit agreement submission.**

A. In preparing and submitting a draft community benefit agreement, an owner or operator must:

(1) comply with the public outreach and engagement requirements under subpart 2;

(2) consider any comments received during the public meeting required under part 7007.6080, subpart 4, item B, subitem (1), and the associated public notice and comment period; and

(3) ensure the draft community benefit agreement complies with the requirements of subparts 3 to 5.

B. An owner or operator must submit a draft community benefit agreement to the commissioner at least 45 calendar days before the public meeting required under part 7007.6080, subpart 4, item B, subitem (2).

C. The commissioner must post the draft community benefit agreement required by this part on the agency website. Any person may request to receive notice from the commissioner of draft community benefit agreements received.

**Subp. 7. Proposed community benefit agreement submission.**

A. Within 45 calendar days after the end of the public comment period specified under part 7007.6080, subpart 8, item A, for the public meeting required under part 7007.6080 subpart 4, item B, subitem (2), an owner or operator must submit to the commissioner:

(1) a proposed community benefit agreement; and

(2) copies of the records required under part 7007.6080, subpart 10.

B. In preparing and submitting a proposed community benefit agreement required under this part, the owner or operator must:

(1) comply with the public outreach and engagement requirements under subpart 2;

(2) consider any comments received during the public meeting required under part 7007.6080, subpart 4, item B, subitem (2), and the associated public comment period; and

(3) ensure the proposed community benefit agreement complies with the requirements of subparts 3 to 5.

C. If any changes were made to the draft community benefit agreement submitted under subpart 6, the owner or operator must provide a description of the changes and an explanation of the reason for the changes with the proposed community benefit agreement.

D. The commissioner must post the proposed community benefit agreement and a document containing the information specified in item C on the agency website. Any person may request to receive notice from the commissioner of proposed community benefit agreements received.

**Subp. 8. Community benefit agreement: preliminary determination.**

A. The commissioner must make a preliminary determination regarding whether to enter into a community benefit agreement with the owner or operator of a stationary source before public notice for the draft permit.

B. If the commissioner makes a preliminary determination to enter into a community benefit agreement with the owner or operator of a stationary source, the community benefit agreement must not be entered into by the commissioner until after the draft permit public notice and comment period required under part 7007.0850, subpart 2.

**Subp. 9. Community benefit agreement; requirements.**

A. The commissioner must enter into a community benefit agreement with the owner or operator of a stationary source if the information considered in item B demonstrates:

(1) the proposed community benefit agreement was prepared in compliance with this part;

(2) the content of the proposed community benefit agreement complies with subparts 3 to 5;

(3) responses to comments prepared by the owner or operator address issues raised during the public notice and comment periods required under part 7007.6080 and during the public participation conducted according to part 7007.6080;

(4) the proposed community benefit agreement addresses issues raised during the public notice and comment periods required under part 7007.6080 and the public participation conducted according to part 7007.6080; and

(5) the proposed community benefit agreement gives priority to benefits that directly impact the residents of the impacted environmental justice area.

B. In determining whether to enter into a community benefit agreement with the owner or operator of a stationary source, the commissioner must consider, at a minimum:

(1) the requested permit action;

(2) the cumulative impacts analysis required under part 7007.6090 conducted by the owner or operator for the requested permit action;

(3) the substantial adverse impact identified under part 7007.6100;

(4) the proposed community benefit agreement submitted under subpart 7;

(5) comments received during the public participation required under part 7007.6080; and

(6) the owner's or operator's responses to comments received during the public notice and comment periods required under part 7007.6080.

C. If the community benefit agreement does not meet the requirements of item A, the owner or operator must:

(1) provide additional information to demonstrate that the community benefit agreement meets the requirements of item A; or

(2) revise the community benefit agreement, based on information considered in item B, so that it meets the requirements of item A.

Subp. 10. **Documenting preliminary determination.** The commissioner must prepare a written document containing the reasons for the commissioner's preliminary determination regarding whether to enter into a community benefit agreement with the owner or operator of a stationary source. The document must describe the information that was considered in making the decision and how the information was weighed. The commissioner must post the preliminary determination document and a document describing any changes made to the proposed community benefit agreement on the agency website within 30 calendar days after making the preliminary determination.

### 7007.6115 **MODIFYING COMMUNITY BENEFIT AGREEMENTS.**

#### Subpart 1. **Modifying a community benefit agreement; extensions of time.**

A. An owner or operator of a stationary source that enters into a community benefit agreement with the commissioner may request an extension of time for a schedule contained in the community benefit agreement by submitting a written request to the commissioner.

The request must:

- (1) be submitted at least 30 calendar days before the date specified in the schedule;
- (2) include a description of the time extension requested; and
- (3) specify the reason and include evidence that supports why the extension of time is needed.

B. An owner or operator may receive an extension of time for a schedule contained in the community benefit agreement if the request:

- (1) complies with this subpart; and
- (2) demonstrates good cause for an extension of time for a schedule contained in the community benefit agreement. For the purposes of this subpart, "good cause" means

a reason for the owner's or operator's inability to comply with a schedule contained in the community benefit agreement due to circumstances that are beyond the owner's or operator's control or that are not foreseeable.

C. A request for an extension of time under item A is not effective unless the commissioner gives written approval for the extension. In determining whether to approve the extension, the commissioner must determine whether good cause exists based on the weight of the evidence submitted by the owner or operator to demonstrate good cause.

**Subp. 2. Modifying a community benefit agreement; other changes.**

A. An owner or operator of a stationary source that enters into a community benefit agreement with the commissioner may request a change to the community benefit agreement, other than a time extension under subpart 1, by submitting a written request to the commissioner. The request must include:

- (1) a description of the change requested;
- (2) reasons for modifying the community benefit agreement;
- (3) a description of how the owner or operator will comply with the requirements of item C to prepare the modified community benefit agreement; and
- (4) a copy of the notice required under item D.

B. The commissioner must review and approve the request under item A before the owner or operator provides notice under item D.

C. If the commissioner does not approve the request under item A, the commissioner must identify any deficiencies, notify the owner or operator of the deficiencies, advise the owner or operator on how to remedy all identified deficiencies, and specify a timeline for resubmitting the request under item A.

D. The owner or operator must provide notice at least 15 calendar days before the public comment period required under subitem (4) to any persons on a mailing list developed under part 7007.6080, subpart 7, item D, and to each person that made a written or oral comment during the public notice and comment periods under part 7007.6080, if the person's address or email is known to the owner or operator. The notice must contain:

(1) a copy of the request under item A;

(2) a statement that the owner or operator is requesting to modify the community benefit agreement;

(3) the reasons for the requested change; and

(4) a statement that the owner or operator must accept written comments for 45 days, specifying the dates the comment period begins and ends and instructions for submitting comments.

E. Within 30 calendar days after the comment period ends, the owner or operator must submit to the commissioner written responses to all comments.

F. The owner or operator may not implement any requested changes of the community benefit agreement under item A until the commissioner approves the changes according to subpart 3 and enters into a modified community benefit agreement.

G. The commissioner must post the modified community benefit agreement and responses to comments on the agency website. Any person may request to receive notice of a modified community benefit agreement from the commissioner.

**Subp. 3. Modifying community benefit agreements; requirements.**

A. The commissioner must approve the change and enter into a modified community benefit agreement if the information considered in item B demonstrates:

(1) the request and notice to modify the community benefit agreement was prepared in compliance with this part;

(2) the responses to comments prepared by the owner or operator address issues raised during the comment period required under subpart 2, item D, subitem (4); and

(3) the modified community benefit agreement addresses issues raised during the public comment period required under subpart 2, item D, subitem (4).

B. In determining whether to approve the requested change to a community benefit agreement, the commissioner must consider, at a minimum:

(1) the request to modify the community benefit agreement;

(2) the notice, if applicable, required under subpart 2, item D;

(3) comments received during the comment period required under subpart 2, item D, subitem (4); and

(4) the owner's or operator's responses to comments received during the comment period required under subpart 2, item D, subitem (4).

## **7007.6120 PERMIT DECISIONS.**

### **Subpart 1. Agency review and decision.**

A. In determining whether to issue or deny a requested permit action, the commissioner must:

(1) determine whether a cumulative impacts analysis is required for the requested permit action according to part 7007.6070;

(2) if a cumulative impacts analysis is required, determine whether issuing the requested permit action would have a substantial adverse impact under part 7007.6100; and

(3) if issuing the requested permit action would have a substantial adverse impact under part 7007.6100, determine whether to enter into a community benefit agreement according to part 7007.6110.

B. If a cumulative impacts analysis is required under parts 7007.6000 to 7007.6120, the commissioner must consider the cumulative impacts analysis conducted, comments received during the public meetings and associated comment periods required under part 7007.6080, and the owner's or operator's response to those comments in determining whether to issue or deny the requested permit action.

C. If the commissioner determines that issuing the requested permit action would have a substantial adverse impact under part 7007.6100, the commissioner must deny the requested permit action unless the commissioner enters into a community benefit agreement according to part 7007.6110 with the owner or operator of the stationary source.

D. If the commissioner enters into a community benefit agreement according to part 7007.6110 with the owner or operator of the stationary source, the commissioner may issue the requested permit action that imposes conditions on the construction and operation of the stationary source to protect public health and the environment.

Subp. 2. **Prohibitions.**

A. If a cumulative impacts analysis is not required for a requested permit action subject to parts 7007.6000 to 7007.6120, before the commissioner issues a negative determination on the need for a cumulative impacts analysis under part 7007.6070:

(1) the owner or operator must not begin actual construction and operation of a stationary source or modification of a stationary source; and

(2) the commissioner must not take a final agency action on the requested permit action.

B. If a petition for a cumulative impacts analysis is filed under part 7007.6060 that complies with part 7007.6060, subparts 1 to 3, the owner or operator must not begin actual construction or operation of a stationary source or modification of a stationary source and the commissioner must not take a final agency action on the requested permit action until:

(1) a petition for a cumulative impacts analysis is voided; or

(2) a negative determination on the need for a cumulative impacts analysis under part 7007.6070 considering the petition, is issued.

C. If a cumulative impacts analysis is required for a requested permit action under part 7007.6090, the owner or operator must not begin actual construction or operation of a stationary source or modification of a stationary source and the commissioner must not take a final agency action on the requested permit action until:

(1) the commissioner issues a negative determination of substantial adverse impact; or

(2) a community benefit agreement, if required under part 7007.6110, is signed by all parties to the agreement.

D. If a cumulative impacts analysis is required for a requested permit action under part 7007.6090, the commissioner may issue the requested permit action no earlier than 30 calendar days after the last public meeting held under part 7007.6080.