

**Pollution Control Agency****Proposed Permanent Rules Relating to Air Toxics Regulations****7007.0100 DEFINITIONS.**

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

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

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

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

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

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

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

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

**7007.1100 GENERAL PERMITS.**

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

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

- A. the stationary source has a history of noncompliance with applicable requirements or with its general permit;
- B. the stationary source does not qualify for a general permit;
- C. the applicable requirements to which the stationary source is subject are about to change or have changed substantially;
- D. the permit application contains mistakes or inaccurate statements related to establishing eligibility for the emissions standards, limitations, or other terms or conditions of the permit and correcting the mistakes or statements would result in ineligibility for the permit applied for;
- E. alterations or modifications to the permitted facility will result in or have the potential to result in alteration of the nature or quantity of regulated air pollutants to be emitted by the permittee such that the permittee is no longer eligible for the permit it holds;  
or
- F. information that is received by but previously unavailable to the commissioner shows that the terms and conditions of the permit do not accurately represent the actual circumstances of the permitted facility.

*[For text of subpart 11, see Minnesota Rules]*

#### **7007.1125 REGISTRATION PERMIT OPTION C.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**7007.1130 REGISTRATION PERMIT OPTION D.**

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

*[For text of item A, see Minnesota Rules]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. comply with the requirements of part 7007.1110; and

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

#### **7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.**

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

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

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

Subp. 2. **Ineligible sources.**

*[For text of item A, see Minnesota Rules]*

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

- (1) as a mitigation measure in an environmental impact statement;
- (2) in obtaining a negative declaration in an environmental assessment worksheet; ~~or~~
- (3) in demonstrating compliance with any state or national ambient air quality standards; or
- (4) in demonstrating compliance with any screening threshold values in part 7012.0300, subpart 1, or acceptable risk levels in part 7012.0560, subpart 3.

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

**7007.1145 CAPPED PERMIT APPLICATION.**

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

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

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

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

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

**7007.1146 CAPPED PERMIT; COMPLIANCE REQUIREMENTS.**

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

- A. comply with parts 7007.1140 to 7007.1148;
- B. comply with all applicable requirements, including chapter 7012, relating to air toxics;
- C. complete the repeated air toxics screening threshold analysis and certification according to part 7012.0160, as applicable;
- ~~E.~~ D. for the 12-month rolling sum of actual emissions from the stationary source determined pursuant to part 7007.1146, not exceed the applicable thresholds in part 7007.1141 for any pollutant;
- ~~D.~~ E. for the sum of actual NO<sub>x</sub> emissions from the stationary source in a calendar year determined under this part, not exceed the estimated future annual NO<sub>x</sub> emissions in units of tons per year used to comply with part 7007.1148; and
- ~~E.~~ F. if a stationary source qualifies for a capped permit, but has less than 12 months of emissions data, calculate the emission limit each month during normal operation for the first 12 months under capped permit option 1 or 2 on a form provided by the commissioner which uses one of the following formulas:

$$(1) N = 0.95 (\text{annual limit in option 1 or 2}) + 0.0045 (\text{annual limit in option 1 or 2})(n-1)$$

Where: n = number of months in operation;

N = emission limit through month n; or

$$(2) P = L/12$$

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

P = emission limit for each month.

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

*[For text of subpart 2, see Minnesota Rules]*

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

*[For text of item A, see Minnesota Rules]*

B. if the change results in increased SO<sub>2</sub>, NO<sub>x</sub>, or PM-10 emissions, demonstrate, using a method in part 7007.1148, that ambient air quality standards will continue to be met after the change is made; ~~and~~

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

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

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

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

#### **7012.0050 APPLICABILITY; OTHER LAW.**

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

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

**7012.0055 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 7012.0060 EXEMPTIONS BY PERMIT TYPE.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the air emissions risk analysis report:

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

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

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

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

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

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

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

#### **7012.0100 COMPLETE SUBMISSIONS.**

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

#### **7012.0140 CERTIFYING SUBMISSIONS.**

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

**7012.0150 AIR TOXICS SCREENING THRESHOLD ANALYSIS.****Subpart 1. Screening threshold requirement.**

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

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

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

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

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

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

**7012.0160 REPEATED AIR TOXICS SCREENING THRESHOLD ANALYSIS.**

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

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

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

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

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

B. follow the calculation methods under part 7012.0400.

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

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

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

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

#### **7012.0170 ADDITIONAL SCREENING THRESHOLD ANALYSIS.**

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

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

(1) an exemption under part 7012.0070; or

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

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

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

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

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

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

(3) an air emissions risk analysis; or

(4) an equivalent risk-based determination;

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

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

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

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

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

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

(1) consider the information provided; and

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

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

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

**Subpart 1. Certification deadline.**

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

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

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

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

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

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

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

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

- A. the name and contact information for the owner or operator;
- B. a statement that the air toxics facility does or does not have one or more air toxics above screening threshold values;
- C. the name and CAS registry number, if applicable, for any air toxic that is above screening threshold values; and
- D. the information required under part 7012.0140.

**7012.0300 AIR TOXICS SCREENING THRESHOLD VALUES; INCORPORATION BY REFERENCE.**

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

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

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

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

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

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

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

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

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

Subp. 3. **Hourly emissions.**

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

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

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

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

(2) required by an existing permit; or

(3) integral to the process.

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

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

(2) required by an existing permit; or

(3) integral to the process.

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

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

A. emergency generators;

B. fire pumps;

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

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

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

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

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

Subp. 6. **Exempt emissions.** Air toxics emissions of hazardous air pollutants from an emissions unit for which a standard has been adopted under section 112(d) of the federal Clean Air Act are exempt from inclusion in the air toxics screening threshold analysis, but air toxics emissions that are not hazardous air pollutants must be included.

#### **7012.0450 COMPLIANCE DETERMINATION PROTOCOL.**

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

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

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

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

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

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

C. limits, restrictions, controls, or other means that will be taken to achieve and remain at or below screening threshold values for one or more emissions units;

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

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

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

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

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

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

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

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

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

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

#### **7012.0500 REVISING COMPLIANCE DETERMINATION PROTOCOLS.**

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

A. alterations or modifications to the air toxics facility will result in or have the potential to result in changes to either the amount of any one or more air toxics emitted or the number of air toxics emitted;

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

C. screening threshold values are updated or removed.

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

A. alterations or modifications to the air toxics facility will result in or have the potential to result in changes to either the amount of any one or more air toxics emitted or the number of air toxics emitted;

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

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

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

#### **7012.0530 MODELING REQUIRED.**

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

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

### **7012.0550 AIR EMISSIONS RISK ANALYSIS PROTOCOL.**

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

#### Subp. 2. **Required content.**

##### A. The air emissions risk analysis protocol must contain:

- (1) a detailed description of the facility operations and any proposed construction or operational changes proposed, if applicable;
- (2) all emissions sources, including emissions units, both stack and fugitive emission sources; insignificant activities under part 7007.1300; and conditionally insignificant activities as defined under part 7005.0100;
- (3) stack parameters corresponding to each pollutant's potential emission rate, accompanied by:
  - (a) documentation of information sources and methods and procedures used;
  - (b) test data referenced;

(c) relevant averaging times for each pollutant; and

(d) potential to emit calculations; and

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

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

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

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

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

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

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

C. specify the deadline for resubmitting the protocol; and

D. establish a schedule for resubmitting supplemental information.

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

**7012.0555 AIR EMISSIONS RISK ANALYSIS PROTOCOL; SUBMISSION DEADLINES.**

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

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

**7012.0558 INCORPORATIONS BY REFERENCE; AIR EMISSIONS RISK ANALYSIS.**

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

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

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

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

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

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

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

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

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

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

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

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

**7012.0560 AIR EMISSIONS RISK ANALYSIS REPORT.**

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

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

(1) each of the following acceptable risk levels:

(a) cancer risk;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the Department of Health:

(a) health-based values;

(b) risk assessment advice; or

(c) volatile organic compound inhalation toxicity values;

(2) Integrated Risk Information System values;

(3) provisional peer-reviewed toxicity values;

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

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

(6) national ambient air quality standards;

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

I. potential to emit calculations;

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

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

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

(3) a narrative description of the preclusion measures;

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

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

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

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

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

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

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

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

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

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

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

Subp. 3. **Acceptable risk levels.** The owner or operator of an air toxics facility must not cause or allow the facility-wide air toxics emissions to result in a predicted maximum ambient impact that exceeds the acceptable risk levels in this subpart. The owner or operator must use the following risk levels in air emissions risk analyses:

A. cancer risk of 1 in 100,000;

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

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

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

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

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

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

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

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

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

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

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

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

C. establish a schedule for resubmitting necessary information; and

D. specify the deadline for resubmitting the report.

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

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

### **7012.0565 AIR EMISSIONS RISK ANALYSIS REPORT; SUBMISSION DEADLINES.**

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

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

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

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

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

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

**7012.0568 NOTIFICATION TO POTENTIALLY IMPACTED RESIDENTS.**

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

A. a residence or business located within a circle with the air toxics facility at the center and a radius determined by the farthest point identified where risk estimates are equal to 90 percent of acceptable risk levels; and

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

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

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

B. a list of air toxics targeted for reductions;

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

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

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

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

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

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

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

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

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

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

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

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

**7012.0570 AIR TOXICS REDUCTION PLAN; REQUIREMENTS.**

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

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

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

Subp. 2. Submission timeline and content.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. any updated plan remains subject to commissioner approval.

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

Subp. 7. **Reporting.**

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

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

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

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

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

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

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

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

**7012.0600 RECORD KEEPING.**

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

Subp. 2. Additional records for conditionally insignificant activities.

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

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

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

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

Acceptable records include the SDSs, invoices, shipping papers, and hazardous waste manifests.

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

- (1) the air toxics emissions using the method in subpart 3;
- (2) the calculation used to arrive at the total for each air toxic emission under subitem (1); and
- (3) a list of the associated emissions units in which the material was used.

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

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

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

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

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

A. the location of the emission points;

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

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

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

#### **7012.0650 AMBIENT AIR MONITORING REQUIREMENTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. either:

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

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

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

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