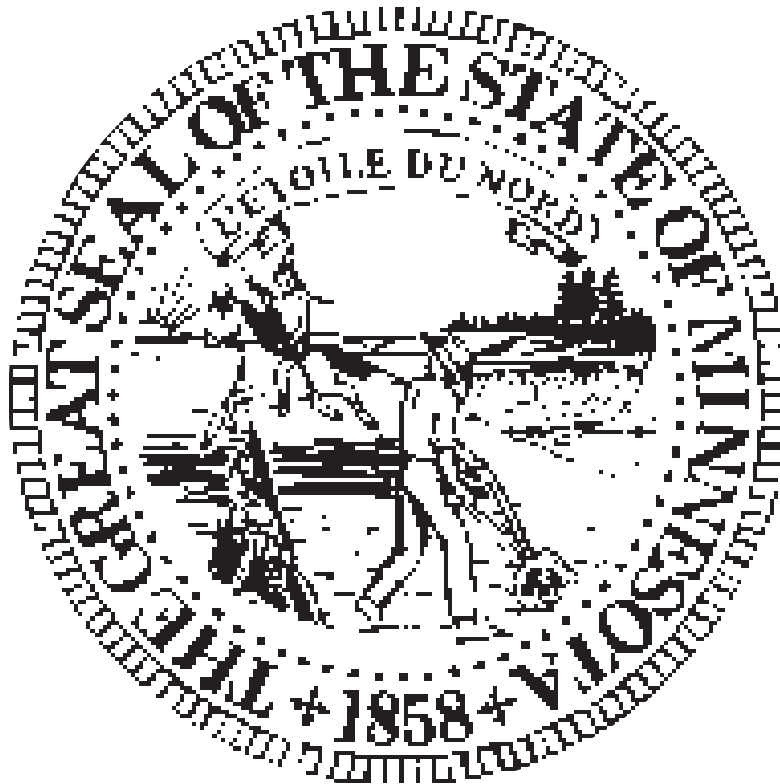


The Minnesota

State Register

Rules and Official Notices Edition



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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

Vol. 22 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 6	Monday 11 August	Monday 28 July	Monday 4 August
# 7	Monday 18 August	Monday 4 August	Monday 11 August
# 8	Monday 25 August	Monday 11 August	Monday 18 August
# 9	Tuesday 2 September	Monday 18 August	Monday 25 August
<hr/>			
Arne H. Carlson, Governor 612/296-3391		Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391		Judi Dutcher, State Auditor 612/297-3670	Michael A. McGrath, State Treasurer 612/296-7091
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- **"Professional, Technical and Consulting Contracts Awards Reports,"** – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Appears monthly in hard copy format only. Single copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Order stock #90-15.

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Professional, Technical and Consulting contract awards are published
monthly in an **Awards Report**.

Individual copies and subscriptions for both publications are available
through Minnesota's Bookstore, (612) 297-3000 or
1-800-657-3757.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pollution Control Agency

Proposed Permanent Rules Relating to Miscellaneous Air Quality Amendments

Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Amendments to Air Quality Rule, *Minnesota Rules* Chapters 7005 (Definitions), 7007 (Permits), 7009 (Ambient Air Standards), 7011 (Standards of Performance), 7019 (Reporting), and 7035 Governing Solid Waste.

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* § 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

MPCA Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mary Jean Fenske
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(612) 297-5472
1-800-657-3843 (MN Toll Free)
FAX: (612) 297-8701

Subject of Rule and Statutory Authority. The MPCA is proposing rule amendments that clarify rule intent, change format to simplify interpretation, correct typographical errors, eliminate redundant or outdated requirements, correct conflicting requirements, account for new technology, eliminate overly burdensome requirements, streamline administrative procedures, and/or simplify implementation. The rule also proposes to include U.S. Environmental Protection Agency (EPA) suggestions that are part of the conditions needed to obtain full federal approval of the MPCA's operating permit program. These EPA suggestions were:

1. To clarify further the phrase "clarify a permit term" in *Minnesota Rules* 7007.1400, subp. 1(G).
2. To require semi-annual deviations reporting regardless of whether a deviation occurred in the previous calendar half-year in part 7007.0800, subpart 6(A)(2).

The changes, in sum, help to correct and improve the rules so that they are more understandable, up-to-date, and streamlined. For example, changes that are proposed include, but are not limited to:

- numerous changes to the insignificant activities list;
- expanding the ability to delegate authority of responsible official for partnerships, municipalities and other public agencies;
- two-stage issuance of part 70 permits and part 70 permit amendments that authorize construction;

- allowing registration permit option D holders to receive credit for unlisted control equipment to show compliance with the option D limits provided they have conducted a performance test;
- expansion of the types of permit changes that may be made through an administrative amendment;
- revision of the opacity and sulfur dioxide standards for stationary internal combustion engines to reflect current technology; and
- a consolidation, streamlining, and clarification of requirements for agency notification provided in the event of shutdown or breakdown of control or process equipment

The statutory authority to adopt the rule is *Minnesota Statutes* § 116.07, subd. 4. A copy of the proposed rule is published immediately after this notice.

Comments. You have until 4:30 p.m. on September 10, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for Rule Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 10, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

Request to Have MPCA Citizens' Board Make Decision on Rule. You have the right to submit a request to the MPCA Commissioner or an MPCA Citizens' Board member to have the MPCA Citizens' Board make the decision on whether to adopt the proposed rule. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on September 10, 1997. Under *Minnesota Statutes* § 116.02, the MPCA Citizens' Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Citizens' Board member makes a timely request that the decision be made by the MPCA Citizens' Board.

Withdrawal of Requests for Rule Hearing. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

Rule Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

Consideration of Economic Factors. *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to give due consideration to economic factors in exercising its powers. Because the MPCA is simply clarifying, streamlining, and correcting errors, the state rules proposed in this rule making do not impose any additional costs on Minnesota businesses. The MPCA has taken steps to lower the economic impact of existing rules.

Impact on Farming Operations. *Minnesota Statutes* § 14.111 requires that if an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the Commissioner of Agriculture, no later than 30 days prior to publication of the proposed rule in the *State Register*. The proposed rules do not affect farming operations.

Review by the Commissioner of Transportation. *Minnesota Statutes* § 174.05 requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The requirements of *Minnesota Statutes* § 174.05 are not applicable.

Adoption and Review of Rule. If no hearing is required and if the decision is not required to be made by the MPCA Citizens' Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Peder A. Larson
Commissioner

7005.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Air quality control region or AQCR.** "Air quality control region" or "AQCR" means the territorial area encompassed by the boundaries of the jurisdictions within the state listed in items A to G, including the territorial area of all municipalities, as defined in section 302(f) of the Clean Air Act, United States Code, title 42, section 7602(f), geographically located within the outermost boundaries of the area.

A. AQCR 127 includes the counties of Benton, Chisago, Isanti, Kanabec, Mille Lacs, Pine, Sherburne, Stearns, and Wright.

B. AQCR 128 includes the counties of Blue Earth, Brown, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Martin, Mower, Nicollet, Olmsted, Rice, Sibley, Steele, Wabasha, Waseca, Watonwan, and Winona.

C. AQCR 129 includes the counties of Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, and St. Louis.

D. AQCR 130 includes Clay County.

E. AQCR 131 includes the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

F. AQCR 132 includes the counties of Becker, Beltrami, Cass, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomon, Marshall, Morrison, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Todd, Traverse, Wadena, and Wilkin.

G. AQCR 133 includes the counties of Big Stone, Chippewa, Cottonwood, Jackson, Kandiyohi, Lac qui Parle, Lincoln, Lyon, McLeod, Meeker, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Swift, and Yellow Medicine.

[For text of subps 2 to 10, see M.R.]

Subp. 10a. **Emission factor.** "Emission factor" means the most accurate and representative emission data available from one of the following sources:

A. For criteria pollutants, the emission factor listed in the Compilation of Air Pollutant Emission Factors (AP-42), ~~fourth~~ fifth edition, United States Environmental Protection Agency, Technical Support Division, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, ~~March 1990~~ January 1995, which is incorporated by reference and is available at the Minnesota state law library and through the Minitex interlibrary loan system. It is ~~not~~ subject to frequent change. Where more than one emission factor is listed in AP-42, "emission factor" means the one approved by the commissioner using best engineering judgment and based on one or more of the considerations in item C, subitem (2).

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

[For text of subps 10b to 42c, see M.R.]

Subp. 45. **Volatile organic compound (VOC).** "Volatile organic compound (VOC)" means any organic compound which participates in atmospheric photochemical reactions. This includes any organic compound other than the following compounds:

A. methane;

B. ethane;

C. 1,1,1-trichloroethane (methyl chloroform);

D. ~~trichlorotrifluoroethane~~ 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);

E. methylene chloride (dichloromethane);

F. trichlorofluoromethane (CFC-11);

G. dichlorodifluoromethane (CFC-12);

H. chlorodifluoromethane (HCFC-22);

I. trifluoromethane (HFC-23);

J. 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);

K. chloropentafluoroethane (CFC-115);

L. ~~dichlorotrifluoroethane~~ (HCFC-120) 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);

- M. 1,1,1,2-tetrafluoroethane (HFC-134a);
 N. 1,1-dichloro-1-fluoroethane (HCFC-141b);
 O. 1-chloro-1,1-difluoroethane (HCFC-142b);
 P. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
 Q. pentafluoroethane (HFC-125);
 R. 1,1,2,2-tetrafluoroethane (HFC-134);
 S. 1,1,1-trifluoroethane (HFC-143a);
 T. 1,1-difluoroethane (HFC-152a);
 U. parachlorobenzotrifluoride (PCBTf);
 V. cyclic, branched, or linear completely methylated siloxanes;
 W. acetone;
 X. perchloroethylene (tetrachloroethylene);
 Y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
 Z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
 AA. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
 BB. perfluorocarbon compounds which fall into these classes:
 (1) cyclic, branched, or linear completely fluorinated alkanes;
 (2) cyclic, branched, or linear completely fluorinated ethers with no unsaturations;
 (3) cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and
 (4) sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine;
 CC. difluoromethane (HFC-32);
 DD. ethylfluoride (HFC-161);
 EE. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
 FF. 1,1,2,2,3-pentafluoropentane (HFC-245ca);
 GG. 1,1,2,3,3-pentafluoropropane (HFC-245ea);
 HH. 1,1,1,3,4-pentafluoropentane (HFC-245eb);
 II. 1,1,1,3,3-pentafluoropentane (HFC-245fa);
 JJ. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
 KK. 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
 LL. chlorofluoromethane (HCFC-31);
 MM. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
 NN. 1 chloro-1-fluoroethane (HCFC-151a);
 OO. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane;
 PP. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane;
 QQ. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane;
 RR. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane;

SS. any other compound listed in table 1, as amended, of the United States Environmental Protection Agency's Recommended Policy on Control of Volatile Organic Compounds, *Federal Register*, volume 42, page 35314, July 8, 1977; or

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~~¶~~ TT. any other compound determined by the United States Environmental Protection Agency to be negligibly photochemically reactive, upon publication of the determination in the *Federal Register*.

7007.0100 DEFINITIONS.

[For text of subs 1 to 8, see M.R.]

Subp. 8a. **Deviation.** "Deviation" means any noncompliance with ~~a rule, regulation, an applicable requirement~~ or permit condition.

[For text of subs 9 to 20, see M.R.]

Subp. 21. **Responsible official.** "Responsible official" means one of the following:

[For text of item A, see M.R.]

B. For a partnership or sole proprietorship: a general partner or the proprietor, respectively, ~~or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and the delegation of authority to a representative is approved in advance by the agency.~~

C. For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official ~~or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more facilities applying for or subject to a permit and the delegation of authority to a representative is approved in advance by the agency.~~ For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (for example, a regional administrator of EPA).

[For text of item D, see M.R.]

[For text of subs 22 to 28, see M.R.]

7007.0150 PERMIT REQUIRED.

Subpart 1. **Prohibition.** No person may construct, modify, reconstruct, or operate an emissions unit, emission facility, or stationary source except in compliance with an air emission permit from the agency. Exceptions to the requirement to obtain a permit are located in part 7007.0300. Exceptions to the requirement to obtain a permit amendment are located in parts 7007.1250 and 7007.1350. A person violates this subpart when the person begins actual construction on a new source, reconstruction, or modification prior to obtaining the permit or amendment, except as allowed in parts 7007.0750, ~~subparts 6 and subpart 7, and~~ 7007.1450, subpart 7, ~~and~~ 7007.1500, subpart 3a.

[For text of subs 2 to 5, see M.R.]

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. **No permit required.** The following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

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

C. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to *Code of Federal Regulations*, title 40, part 61, subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation, ~~or 61.154, Standard for Active Waste Disposal Sites~~ (incorporated by reference at part 7011.9920);

D. any stationary source with only emissions units listed as insignificant activities in part 7007.1300, subparts 2 and 3, ~~if the following requirements are met by not including the activity described in part 7007.1300, subpart 3, item H, subitem (1).~~ The owner or operator: must maintain

~~(1) for emissions units described in part 7007.1300, subparts 2 and 3, except part 7007.1300, subpart 3, item H, subitem (1); records are maintained~~ that demonstrate that a permit is not required. These records shall contain a list of all emissions units and the *Minnesota Rules* citation that defines those emissions units as an insignificant activity. The records shall be permanently kept at the stationary source or a central office and ~~made be~~ readily available for examination and copying by the commissioner or a representative of the commissioner; ~~and~~

~~(2) for emissions units described in part 7007.1300, subpart 3, item H, subitem (1); E.~~ any stationary source that would be required to obtain a permit solely because its VOC potential to emit is equal to or greater than 100.0 tons per year, that uses less than 200 gallons of VOC (including hazardous air pollutant-containing VOC) combined in any consecutive 12-month period, and whose only other emissions are from insignificant activities under part 7007.1300, subparts 2 and 3. The owner or operator shall:

~~(a)~~ (1) record each month the number of gallons of VOC-containing materials purchased or used and the maximum VOC content;

~~(b)~~ (2) maintain a record of the material data safety sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, for each VOC-containing material used;

~~(c)~~ (3) recalculate and record each month the 12-month rolling sum of actual number of gallons of VOCs purchased or used, and the calculation itself and a list of the associated emissions units in which it was used;

~~(d)~~ (4) maintain at the stationary source the records as long as the emissions unit is located at the stationary source; and

~~(e)~~ (5) make the records available for examination and copying by the commissioner or a representative of the commissioner; ~~and~~.

Under this item, gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material, except that if the owner or operator ships VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. Records may be MSDS, invoices, shipping papers, or hazardous waste manifests; and

~~E. F.~~ notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to one or more new source performance standards under *Code of Federal Regulations*, title 40, part 60, that has the potential to emit zero tons per year from the affected facility of each pollutant regulated by the standard.

7007.0500 CONTENT OF PERMIT APPLICATION.

[For text of subpart 1, see M.R.]

Subp. 2. **Information included.** Applicants shall submit the following information as required by the standard application form:

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

C. The following emissions-related information:

[For text of subitem (1), see M.R.]

(2) The application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300, except as provided in this subitem. The application shall include a list identifying any activity at the stationary source described in ~~subpart~~ subparts 3 and 4 of the insignificant activities list. If requested by the agency, the permittee shall provide a calculation of emissions from any activity described in ~~subpart~~ subparts 3 and 4 of the insignificant activities list. The agency shall request such a calculation if it finds that the emissions from those activities, in addition to other emissions from the stationary source, could make the stationary source subject to different applicable requirements under parts 7007.0100 to 7007.1850.

[For text of subitems (3) to (11), see M.R.]

[For text of items D to N, see M.R.]

[For text of subps 3 to 5, see M.R.]

7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Modification (installation and operation) permits.** The agency may issue permits authorizing a modification or change to a stationary source (an installation and operation permit) prior to issuance of an operating permit covering the entire stationary source (a total facility permit) if the agency finds:

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

Subp. 6. [See repealer.]

Subp. 7. **Two-stage issuance of part 70 permits ~~subject to federal new source review and part 70 permit amendments authorizing construction or modification~~.**

A. If a part 70 permit or part 70 permit amendment authorizing construction or modification:

(1) is subject to the requirements of a new source review program under part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act; or

(2) would include an enforceable limitation assumed to avoid being subject to a new source review program under part C or D of the act, the agency shall send the permit to the permittee after all requirements of the new source review program have been satisfied or after all requirements to avoid applicability of new source review have been completed. The agency shall at the same time notify the permittee in writing that those permit conditions required by the new source review program or developed to avoid applicability of new source review and designated as such by the agency in the permit or amendment, and only those conditions, shall be considered issued.

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

7007.0800 PERMIT CONTENT.

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

Subp. 4. **Monitoring.** The agency shall include the following monitoring requirements in all permits:

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

C. For state permits, where ~~the applicable requirements do not require~~ periodic testing or instrumental or noninstrumental monitoring, (which may consist of recordkeeping designed to serve as monitoring) is not required by item A, the permit shall include monitoring requirements sufficient to determine whether a stationary source is in compliance with applicable requirements; if the agency finds that such monitoring is warranted ~~based on by:~~

- (1) the likelihood of noncompliance;
- (2) the environmental impact of noncompliance; or
- (3) the likelihood that noncompliance could not be detected using means other than monitoring.

[For text of item D, see M.R.]

Subp. 5. **Recordkeeping.** The permit shall incorporate all applicable requirements related to recordkeeping and require the permittee to maintain adequate records, including at least the following:

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

C. A requirement that the permittee retain records of all monitoring data and support information for a period of five years, or longer as specified by the commissioner, from the date of the monitoring sample, measurement, or report. Support information includes all calibration and maintenance records and all original ~~strip-chart~~ recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Records shall be kept at the stationary source unless the permit allows otherwise.

[For text of item D, see M.R.]

Subp. 6. **Reporting.** The permit shall require the permittee to submit to the agency the reports described in this subpart. The permit shall require that all reports be certified by a responsible official consistent with part 7007.0500, subpart 3.

A. Deviation reporting time frames are described in subitems (1) and (2).

(1) For deviations that endanger human health or the environment, the permit shall require the permittee to notify the commissioner as required in part 7019.1000, subpart 1, in the event of any deviation from applicable requirements or permit conditions which could endanger human health or the environment; ~~to orally notify the commissioner within 24 hours of discovering the deviation. Within two working days of the discovery of such a deviation, the permittee shall submit to the commissioner a written description of the deviation; the cause of the deviation; the exact dates of the period of the deviation; if the deviation has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the deviation.~~

(2) For all other deviations, the permit shall require the permittee, in the event of any other type of deviation from permit conditions, to report the deviation to submit a deviation report, on a form approved by the commissioner, at least semiannually in a midyear report and an end-of-year report. The report is due whether or not a deviation occurred during the reporting period. The midyear deviations report, covering deviations which occurred during the period from January 1 to June 30, is due by July 30 of each year; and the end-of-year deviations report, covering deviations which occurred during the period from July 1 to December 31, is due by January 30 of each year.

[For text of item B, see M.R.]

C. The permit shall require periodic compliance certification in which the permittee certifies whether or not it is in compliance with applicable requirements and permit terms, including emission limitations, standards, or work practices. The permits shall:

(1) specify how often the permittee must submit the compliance certification; for part 70 permits, the frequency shall be at least annually or more often as specified in the applicable requirements;

(2) require that the compliance certification include the following:

- (a) the identification of each applicable requirement and permit term that is the basis of the certification;
- (b) the compliance status throughout the reporting period, noting whether compliance was continuous or intermittent;
- (c) the method or methods used for determining the compliance status of the stationary source, noting whether the method conforms with permit conditions; and
- (d) such other facts as the agency may require;

~~(3) in the case of part 70 permits, require that all compliance certifications be submitted to the administrator as well as to the agency, unless the administrator agrees that such submittals are not necessary;~~

~~(4) require that all compliance certifications be made by a responsible official consistent with part 7007.0500, subpart 3; and~~

C. The permit shall require submittal of an annual compliance certification by January 31 of each year to the agency. In the case of part 70 permits, compliance certifications shall be submitted to the administrator as well as the agency, unless the administrator agrees that the submittals are not necessary. The certification shall be on a form approved by the commissioner and shall contain at least the following:

(1) the facility name and permit number;

(2) identification of the calendar year that the report covers;

(3) identification of deviation reports submitted covering the calendar year including the name of report (i.e. DRF-1 or DRF-2), the period covered by the report, and the date of the cover letter accompanying the report;

(4) identification of any noncompliance with applicable requirements or a permit condition that has not been identified in deviation reports submitted to the agency covering the calendar year;

(5) a certification that meets the requirements of part 7007.0500, subpart 3;

(6) the signature and title of a responsible official as defined in part 7007.0100, subpart 21; and

~~(5) require such (7) additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the act.~~

Notwithstanding any other provision in an applicable requirement, for the purpose of submission of compliance certifications under this item, the owner or operator is not prohibited from using the following in addition to any specified methods:

(a) ~~an enhanced~~ a monitoring protocol approved for the source pursuant to *Code of Federal Regulations*, title 40, part 64, as amended; and

(b) any other monitoring method incorporated into a permit issued under this chapter.

[For text of items D and E, see M.R.]

[For text of subps 7 to 16, see M.R.]

7007.1120 REGISTRATION PERMIT OPTION B.

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

Subp. 4. Calculation method. For purposes of this part, "VOC-containing materials" include hazardous air pollutant-containing VOC. Under this part, gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material, except that if the owner or operator ships VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. Records may be MSDS, invoices, shipping papers, or hazardous waste manifests.

7007.1130 REGISTRATION PERMIT OPTION D.

[For text of subpart 1, see M.R.]

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 D, see M.R.]

E. the calculations required by subpart 4, and the total actual emissions per pollutant that result from those calculations. A stationary source in which the only hazardous air pollutant (HAP) emissions are VOC emissions and that has actual VOC emissions less than five tons per year are not required to calculate emissions of HAPs. If the stationary source has not been operated, the owner or operator shall estimate actual emissions during normal operation in performing the calculations required by subpart 4. If the stationary source has been operated less than 12

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months on the date of application under this part, the owner or operator shall estimate actual emissions by multiplying by 12 the larger of the following:

- (1) the average monthly actual emissions; or
- (2) the estimated average monthly actual emissions during normal operation; ~~and~~

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 7011.0070, subpart 3.

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

Subp. 3. **Compliance requirements.** The owner or operator of a stationary source issued a permit under this part shall comply with all of the requirements in items A to J.

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

F. If the stationary source qualified in the permit application, in whole or in part, by using control equipment efficiencies for:

(1) listed control equipment determined under part 7011.0070, the owner or operator shall comply with parts 7011.0060 to 7011.0080, except that the owner or operator of a hot mix asphalt plant shall comply instead with part 7011.0917. If the calculations required by subpart 4 used control equipment efficiencies based on an alternative control efficiency under part 7011.0070, subpart 2, the owner or operator shall also comply with the operating parameters of the performance test that established the alternative control efficiency-; or

(2) control equipment that is not listed in part 7011.0070, the owner or operator shall comply with subpart 6 and with the operating parameters of the performance test that established the emission factor. The owner or operator may operate this control equipment before conducting a performance test and establishing an emission factor, but the owner or operator must calculate actual emissions assuming an uncontrolled emission factor for the period of operation prior to the date the performance test is conducted.

[For text of items G to J, see M.R.]

Subp. 4. **Calculation of actual emissions.** The owner or operator of a stationary source may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part, or may use the calculation methods under items A to E. The owner or operator must calculate actual emissions for each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes. The owner or operator of a stationary source shall use the calculation method in item B instead of the calculation method in item A if the data described in item B are available for the stationary source. The alternative methods described in items C, D, and E may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in items B to E if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive dust emissions must be included in the calculations under this subpart, if the stationary source is a category listed in part 7007.0200, subpart 2, item B, subitems (1) to (27).

A. All calculations of actual emissions required under this part shall be based on the stationary source's operating parameters, and must use the following equation:

$$E = OP \times UEF \times [1 - CE], \text{ where}$$

E = Actual Emissions in tons per year

OP = Operating Parameter as required by the Uncontrolled Emission Factor (hours of operation or units produced)

UEF = Uncontrolled Emission Factor (pounds of pollutant per hour of operation or units produced) as defined in part 7005.0100, subpart 10a, for uncontrolled emissions

CE = Control Efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070 for listed control equipment.

[For text of item B, see M.R.]

C. Emission factors from performance tests may be used for the calculation of actual emissions, provided that the performance tests met all the requirements of parts 7017.2001 to 7017.2060, and all other applicable state rules and federal regulations governing performance tests. The

owner or operator of a stationary source that uses an emission factor developed from a performance test shall use the calculation method under item A except that if an owner or operator uses an emission factor developed from a performance test which reflects the use of control equipment not listed in part 7007.0070, the following equation shall be used to determine actual emissions of the tested pollutant:

$E = OP \times CEF/HCE$, where

E = Actual emissions in tons per year

OP = Operating Parameter as required by the Controlled Emission Factor (hours of operation or units produced)

CEF = Controlled Emission Factor (pounds of pollutant per hour of operation or units produced), as determined through a performance test meeting all the requirements of parts 7017.2001 to 7017.2060 that reflects the use of control equipment

HCE = Hood Capture Efficiency, which shall be 0.60 for VOCs, and 0.80 for all other pollutants. (HCE is 1.0 when 100 percent of the emissions exiting the process equipment are captured by the control device.)

[For text of items D and E, see M.R.]

[For text of subp 5, see M.R.]

Subp. 6. Control equipment general requirements for control equipment that is not listed in part 7011.0070. If the stationary source qualified in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using an emission factor determined through a performance test that reflects the use of control equipment that is not listed in part 7011.0070, the owner or operator shall:

A. operate the control equipment whenever operating the emission units controlled by the control equipment in compliance with this item. The control equipment shall at all times be operated in the range established by the control equipment manufacturer's specifications for each control equipment parameter that is required to be monitored by the approved test plan during the performance test, or within the operating parameters set by the commissioner as the result of the most recent performance test conducted under parts 7017.2001 to 7017.2060, if those are more restrictive. The control equipment must have been manufactured by a control equipment manufacturer as defined in part 7011.0060, subpart 3. The monitoring parameters shall indicate that the control equipment is operating under the same conditions as during the performance test. If the commissioner determines such monitoring parameters do not exist, then an emission factor may not be established through a performance test under this part:

B. maintain the control equipment according to the requirements of part 7011.0075, subpart 2;

C. operate the monitoring equipment for each parameter required to be monitored as part of the approved test at all times the control equipment is required to operate;

D. record each parameter required to be monitored at least every 24 hours when in operation or more frequently, if the commissioner determines that more frequent monitoring is required to determine the control equipment is operating under the same conditions as during the performance test;

E. report to the commissioner any recorded reading outside the specification or range of specification of any monitored parameter required by the approved test plan in accordance with the deadlines in part 7007.0800, subpart 6, item A, subitem (2), except that owners or operators shall make this report only if a deviation occurred in the reporting period;

F. conduct additional performance tests, upon request of the commissioner or the administrator, to verify the accuracy of the emission factor or for any of the reasons specified in part 7017.2020, subpart 1;

G. in the event of a shutdown or breakdown of control or process equipment or deviations which would endanger human health or the environment, comply with part 7019.1000;

H. recalculate the actual emissions if the owner or operator becomes aware of information indicating that the emission factor determined through the performance test is no longer representative; and

I. if the emissions are discharged to the control equipment through a hood, maintain at the stationary source the evaluation of each hood, and record each month the fan rotation speed, fan power draw, or face velocity of each hood, or other comparable air flow indication method.

7007.1250 INSIGNIFICANT MODIFICATIONS.

Subpart 1. **When an insignificant modification can be made.** The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2.

[For text of item A, see M.R.]

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B. Any modification that will:

(1) result in an increase of ~~an~~ a regulated air pollutant which is not listed in table 1 and is not a hazardous air pollutant; ~~or~~

(2) result in an increase of an air pollutant which is listed in table 1, but in an amount less than the corresponding threshold; ~~or~~

(3) ~~result in an increase of a hazardous air pollutant, at a major source as defined in Code of Federal Regulations, title 40, section 63.2, in an amount less than 25 percent of the de minimis emission rates established in the rules promulgated by the administrator under section 412(g) of the act. This subitem becomes effective when the rules promulgated by the administrator under 412(g) of the act become effective.~~

Table 1

Pollutant	Threshold
NO _x	2.28 pounds per hour
SO ₂	2.28 pounds per hour
VOCs	2.28 pounds per hour
PM-10	.855 pounds per hour
CO	5.70 pounds per hour
Lead	.025 pounds per hour

For purposes of this subpart, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. An owner or operator may not use control equipment efficiencies for listed control equipment determined by part 7011.0070 to qualify for an insignificant modification, unless the specifications for the control equipment are from a control equipment manufacturer, as defined in part 7011.0060, subpart 3. Modifications which would otherwise be insignificant under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and the requirements of title I of the act.

[For text of subs 2 to 6, see M.R.]

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

[For text of subpart 1, see M.R.]

Subp. 2. **Insignificant activities not required to be listed.** The activities described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2).

A. Fuel use ~~at a stationary source~~:

(1) production of hot water for on-site personal use not related to any industrial process;

(2) fuel use related to food preparation by a restaurant or cafeteria; and

(3) fuel burning equipment with a capacity less than 30,000 Btu per hour, ~~except where the total capacity of the fuel burning equipment exceeds but only if the combined total capacity of all fuel burning equipment at the stationary source with a capacity less than 30,000 Btu per hour is less than or equal to 500,000 Btu per hour. For example: Facility A has ten fuel burning emission units, each with a capacity of 25,000 Btu per hour. The ten units are all an insignificant activity under this subitem, because their combined capacity is less than 500,000 Btu per hour (i.e., $10 \times 25,000 \text{ Btu/hr} = 250,000 \text{ Btu/hr} \leq 500,000 \text{ Btu/hr}$). Facility B has 21 fuel burning emission units, each with a capacity of 25,000 Btu/hr. None of the 21 units are an insignificant activity under this subitem, because their total combined capacity is greater than 500,000 Btu per hour (i.e., $21 \times 25,000 \text{ Btu/hr} = 525,000 \text{ Btu/hr} > 500,000 \text{ Btu/hr}$).~~

B. Plant upkeep:

(1) routine housekeeping or plant upkeep activities not associated with primary production processes at the stationary source, such as painting buildings, retarring roofs, or paving parking lots, but excluding use of spray paint equipment used for plant upkeep activities (refer to subpart 3, item K, for use of spray paint equipment that may be considered a listed insignificant activity);

[For text of subitems (2) to (6), see M.R.]

[For text of items C to I, see M.R.]

J. Miscellaneous:

(1) safety devices, such as fire extinguishers, if associated with a permitted emission source, but not including sources of continuous emissions;

(2) flares to indicate danger to the public;

(3) vehicle exhaust emissions from the operation of mobile sources; ~~except for fugitive dust emissions from mobile sources at a sta-~~

tionary source required to be included under title I, and except for stationary sources where the agency determines the fugitive emissions from associated mobile source activity may impact attainment of national ambient air quality standards at a stationary source;

(4) purging of natural gas lines;

(5) natural draft hoods, natural draft ventilation, comfort air conditioning, or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from specific units of equipment; ~~and~~

(6) funeral home embalming processes and associated ventilation systems; and

(7) use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act, where the product is used at academic and health care institutions in the same manner as normal consumer use.

[For text of item K, see M.R.]

Subp. 3. **Insignificant activities required to be listed.** The activities described in this subpart must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart are subject to additional requirements under section 114(a)(3) of the act (~~Enhanced Monitoring Requirements~~) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

A. Fuel use: space heaters fueled by kerosene, natural gas, or propane. A space heater is a heating unit that is not connected to piping or ducting to distribute the heat.

B. Furnaces and boilers:

(1) infrared electric ovens; and

(2) ~~fuel burning equipment of with a capacity less than 500,000 Btu/hour Btu per hour, but only if the total combined capacity except where total capacity of equipment exceeds 2,000,000 Btu/hour when operated by one stationary source.~~ of all fuel burning equipment at the stationary source with a capacity less than 500,000 Btu per hour is less than or equal to 2,000,000 Btu per hour. For example: Facility A has three fuel burning emission units, each with a capacity of 400,000 Btu per hour. The three units are all an insignificant activity to be listed under this subitem, because their combined capacity is less than 2,000,000 Btu per hour. Facility B has six fuel burning emission units, each with a capacity of 400,000 Btu per hour. None of the six units is an insignificant activity under this subitem, because their total combined capacity is greater than 2,000,000 Btu per hour.

[For text of items C to G, see M.R.]

H. Miscellaneous:

(1) ~~a stationary source that uses total usage of less than 200 gallons of VOC for (including hazardous air pollutant-containing VOC) combined in any consecutive 12-month period (at a stationary source. Under this subitem, gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material), except that if the owner or operator ships VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. Records may be MSDS, invoices, shipping papers, or hazardous waste manifests;~~

[For text of subitems (2) to (8), see M.R.]

I. Individual emission units at a stationary source, each of which each have a potential to emit ~~for each of~~ the following pollutants in amounts less than:

(1) 4,000 pounds per year of carbon monoxide; ~~or~~ and

(2) 2,000 pounds per year each of nitrogen oxide, sulfur dioxide, particulate matter, particulate matter less than ten microns, VOCs (including hazardous air pollutant-containing VOCs), and ozone.

[For text of item J, see M.R.]

K. Plant upkeep:

(1) ~~spray paint equipment used for plant upkeep activities that uses less than 200 gallons of paint in any consecutive 12-month period;~~
~~or~~

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(2) spray paint equipment used for plant upkeep activities that uses 200 gallons of paint or more in any consecutive 12-month period. Infrequent use of spray paint equipment for routine housekeeping or plant upkeep activities not associated with primary production processes at the stationary source, such as spray painting of buildings, machinery, vehicles, and other supporting equipment.

Subp. 4. **Insignificant activities required to be listed in a part 70 application.** If a facility is applying for a part 70 permit, emissions units with emissions less than all the following limits but not included in subpart 2 must be listed in a part 70 permit application:

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

C. for hazardous air pollutants, emissions units with:

(1) potential emissions of 25 percent or less of the hazardous air pollutant thresholds listed in ~~part 7007.1254~~ subpart 5; or

(2) combined HAP actual emissions of one ton per year unless the emissions unit emits one or more of the following HAPs: carbon tetrachloride; 1,2-dibromo-3-chloropropane; ethylene dibromide; hexachlorobenzene; polycyclic organic matter; antimony compounds; arsenic compounds, including inorganic arsine; cadmium compounds; chromium compounds; lead compounds; manganese compounds; mercury compounds; nickel compounds; selenium compounds; 2,3,7,8-tetrachlorodibenzo-p-dioxin; or dibenzofuran. If the emissions unit emits one or more of the HAPs listed in this subitem, the emissions unit is not an insignificant activity under this subitem.

Calculation of emissions from the emissions units listed in this subpart shall be provided if required by the agency under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed under this subpart are subject to additional requirements under section 114(a)(3) of the act (~~Enhanced Monitoring Requirements~~) or section 112 of the act (Hazardous Air Pollutants), or are part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit emissions from the emissions units must be calculated in the permit application. If the applicant is applying for a state permit or an amendment to a state permit, this subpart does not apply.

Subp. 5. Hazardous air pollutant threshold table.

<u>CAS#</u>	<u>Chemical Name</u>	<u>De Minimis Level (tons/year)</u>
<u>57147</u>	<u>1,1-Dimethyl hydrazine</u>	<u>0.008</u>
<u>79005</u>	<u>1,1,2-Trichloroethan</u>	<u>1</u>
<u>79345</u>	<u>1,1,2,2-Tetrachloroethane</u>	<u>0.3</u>
<u>96128</u>	<u>1,2-Dibromo-3-chloropropane</u>	<u>0.01</u>
<u>122667</u>	<u>1,2-Diphenylhydrazine</u>	<u>0.09</u>
<u>106887</u>	<u>1,2-Epoxybutane</u>	<u>1</u>
<u>75558</u>	<u>1,2-Propylenimine (2-Methyl aziridine)</u>	<u>0.003</u>
<u>120821</u>	<u>1,2,4-Trichlorobenzene</u>	<u>10</u>
<u>106990</u>	<u>1,3-Butadiene</u>	<u>0.07</u>
<u>542756</u>	<u>1,3-Dichloropropene</u>	<u>1</u>
<u>1120714</u>	<u>1,3-Propane sultone</u>	<u>0.03</u>
<u>106467</u>	<u>1,4-Dichlorobenzene(p)</u>	<u>3</u>
<u>123911</u>	<u>1,4-Dioxane (1,4-Diethyleneoxide)</u>	<u>6</u>
<u>53963</u>	<u>2-Acetylaminofluorine</u>	<u>0.005</u>
<u>532274</u>	<u>2-Chloroacetophenone</u>	<u>0.06</u>
<u>79469</u>	<u>2-Nitropropane</u>	<u>1</u>
<u>540841</u>	<u>2,2,4-Trimethylpentane</u>	<u>5</u>
<u>1746016</u>	<u>2,3,7,8-Tetrachlorodibenzo-p-dioxin</u>	<u>6E-07</u>
<u>584849</u>	<u>2,4-Toluene diisocyanate</u>	<u>0.1</u>
<u>51285</u>	<u>2,4-Dinitrophenol</u>	<u>1</u>
<u>121142</u>	<u>2,4-Dinitrotoluene</u>	<u>0.02</u>
<u>94757</u>	<u>2,4-D, salts, esters (2,4-Dichlorophenoxy acetic acid)</u>	<u>10</u>
<u>95807</u>	<u>2,4-Toluene diamine</u>	<u>0.02</u>
<u>95954</u>	<u>2,4,5-Trichlorophenol</u>	<u>1</u>
<u>88062</u>	<u>2,4,6-Trichlorophenol</u>	<u>6</u>
<u>91941</u>	<u>3,3-Dichlorobenzidene</u>	<u>0.2</u>
<u>119904</u>	<u>3,3'-Dimethoxybenzidine</u>	<u>0.1</u>
<u>119937</u>	<u>3,3'-Dimethyl benzidine</u>	<u>0.008</u>
<u>92671</u>	<u>4-Aminobiphenyl</u>	<u>1</u>
<u>92933</u>	<u>4-Nitrobiphenyl</u>	<u>1</u>
<u>100027</u>	<u>4-Nitrophenol</u>	<u>5</u>

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<u>101144</u>	<u>4,4-Methylene bis(2-chloroaniline)</u>	<u>0.2</u>
<u>101779</u>	<u>4,4'-Methylenedianiline</u>	<u>1</u>
<u>534521</u>	<u>4,6-Dinitro-o-cresol, and salts</u>	<u>0.1</u>
<u>75070</u>	<u>Acetaldehyde</u>	<u>9</u>
<u>60355</u>	<u>Acetamide</u>	<u>1</u>
<u>75058</u>	<u>Acetonitrile</u>	<u>4</u>
<u>98862</u>	<u>Acetophenone</u>	<u>1</u>
<u>107028</u>	<u>Acrolein</u>	<u>0.04</u>
<u>79061</u>	<u>Acrylamide</u>	<u>0.02</u>
<u>79107</u>	<u>Acrylic acid</u>	<u>0.6</u>
<u>107131</u>	<u>Acrylonitrile</u>	<u>0.3</u>
<u>107051</u>	<u>Allyl chloride</u>	<u>1</u>
<u>62533</u>	<u>Aniline</u>	<u>1</u>
<u>71432</u>	<u>Benzene</u>	<u>2</u>
<u>92875</u>	<u>Benzidine</u>	<u>0.0003</u>
<u>98077</u>	<u>Benzotrichloride</u>	<u>0.006</u>
<u>100447</u>	<u>Benzyl chloride</u>	<u>0.1</u>
<u>57578</u>	<u>beta-Propiolactone</u>	<u>0.1</u>
<u>92524</u>	<u>Biphenyl</u>	<u>10</u>
<u>117817</u>	<u>Bis(2-ethylhexyl)phthalate(DEHP)</u>	<u>5</u>
<u>542881</u>	<u>Bis(chloromethyl)ether</u>	<u>0.0003</u>
<u>75252</u>	<u>Bromoform</u>	<u>10</u>
<u>156627</u>	<u>Calcium cyanamide</u>	<u>10</u>
<u>133062</u>	<u>Captan</u>	<u>10</u>
<u>63252</u>	<u>Carbaryl</u>	<u>10</u>
<u>75150</u>	<u>Carbon disulfide</u>	<u>1</u>
<u>56235</u>	<u>Carbon tetrachloride</u>	<u>1</u>
<u>463581</u>	<u>Carbonyl sulfide</u>	<u>5</u>
<u>120809</u>	<u>Catechol</u>	<u>5</u>
<u>133904</u>	<u>Chloramben</u>	<u>1</u>
<u>57749</u>	<u>Chlordane</u>	<u>0.01</u>
<u>7782505</u>	<u>Chlorine</u>	<u>0.1</u>
<u>79118</u>	<u>Chloroacetic acid</u>	<u>0.1</u>
<u>108907</u>	<u>Chlorobenzene</u>	<u>10</u>
<u>510156</u>	<u>Chlorobenzilate</u>	<u>0.4</u>
<u>67663</u>	<u>Chloroform</u>	<u>0.9</u>
<u>107302</u>	<u>Chloromethyl methyl ether</u>	<u>0.1</u>
<u>126998</u>	<u>Chloroprene</u>	<u>1</u>
<u>1319773</u>	<u>Cresols/Cresylic acid (isomers and mixture)</u>	<u>1</u>
<u>95487</u>	<u>o-Cresol</u>	<u>1</u>
<u>108394</u>	<u>m-Cresol</u>	<u>1</u>
<u>106445</u>	<u>p-Cresol</u>	<u>1</u>
<u>98828</u>	<u>Cumene</u>	<u>10</u>
<u>334883</u>	<u>Diazomethane</u>	<u>1</u>
<u>132649</u>	<u>Dibenzofuran</u>	<u>5</u>
<u>72559</u>	<u>DDE (p,p'-Dichlorodiphenyldichloroethylene)</u>	<u>0.01</u>
<u>84742</u>	<u>Dibutylphthalate</u>	<u>10</u>
<u>111444</u>	<u>Dichloroethyl ether (Bis(2-chloroethyl) ether)</u>	<u>0.06</u>
<u>62737</u>	<u>Dichlorvos</u>	<u>0.2</u>
<u>11422</u>	<u>Diethanolamine</u>	<u>5</u>
<u>64675</u>	<u>Diethyl sulfate</u>	<u>1</u>

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60117	<u>Dimethyl aminoazobenzene</u>	1
79447	<u>Dimethyl carbamoyl chloride</u>	0.02
68122	<u>Dimethyl formamide</u>	1
131113	<u>Dimethyl phthalate</u>	10
77781	<u>Dimethyl sulfate</u>	0.1
106898	<u>Epichlorohydrin</u>	2
140885	<u>Ethyl acrylate</u>	1
100414	<u>Ethyl benzene</u>	10
51796	<u>Ethyl carbamate (Urethane)</u>	0.8
75003	<u>Ethyl chloride</u>	10
106934	<u>Ethylene dibromide (Dibromoethane)</u>	0.1
107062	<u>Ethylene dichloride (1,2-Dichloroethane)</u>	0.8
107211	<u>Ethylene glycol</u>	10
151564	<u>Ethylene imine (Aziridine)</u>	0.003
75218	<u>Ethylene oxide</u>	0.1
96457	<u>Ethylene thiourea</u>	0.6
75343	<u>Ethylidene dichloride (1,1-Dichloroethane)</u>	1
50000	<u>Formaldehyde</u>	2
76448	<u>Heptachlor</u>	0.02
118741	<u>Hexachlorobenzene</u>	0.01
87683	<u>Hexachlorobutadiene</u>	0.9
77474	<u>Hexachlorocyclopentadiene</u>	0.1
67721	<u>Hexachloroethane</u>	5
822060	<u>Hexamethylene,-1,6-diisocyanate</u>	0.02
680319	<u>Hexamethylphosphoramide</u>	0.01
110543	<u>Hexane</u>	10
302012	<u>Hydrazine</u>	0.004
7647010	<u>Hydrochloric acid</u>	10
7664393	<u>Hydrogen fluoride</u>	0.1
123319	<u>Hydroquinone</u>	1
78591	<u>Isophorone</u>	10
58899	<u>Lindane (hexachlorcyclohexane, gamma)</u>	0.01
108316	<u>Maleic anhydride</u>	1
67561	<u>Methanol</u>	10
72435	<u>Methoxychlor</u>	10
74839	<u>Methyl bromide (Bromomethane)</u>	10
74873	<u>Methyl chloride (Chloromethane)</u>	10
71556	<u>Methyl chloroform (1,1,1-Trichloroethane)</u>	10
78933	<u>Methyl ethyl ketone (2-Butanone)</u>	10
60344	<u>Methyl hydrazine</u>	0.06
74884	<u>Methyl iodide (Iodomethane)</u>	1
108101	<u>Methyl isobutyl ketone</u>	10
624839	<u>Methyl isocyanate</u>	0.1
80626	<u>Methyl methacrylate</u>	10
1634044	<u>Methyl tert-butyl ether</u>	10
12108133	<u>Methylcyclopentadienyl manganese</u>	0.1
75092	<u>Methylene chloride (Dichloromethane)</u>	10
101688	<u>Methylene diphenyl diisocyanate</u>	0.1
91203	<u>Naphthalene</u>	10
98953	<u>Nitrobenzene</u>	1
62759	<u>N-Nitrosodimethylamine</u>	0.001
69892	<u>N-Nitrosomorpholine</u>	1
684935	<u>N-Nitroso-N-methylurea</u>	0.0002
121697	<u>N,N-Dimethylaniline</u>	1
90040	<u>o-Anisidine</u>	1
95534	<u>o-Toluidine</u>	4
56382	<u>Parathion</u>	0.1

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<u>82688</u>	<u>Pentachloronitrobenzene (Quintobenzene)</u>	<u>0.3</u>
<u>87865</u>	<u>Pentachlorophenol</u>	<u>0.7</u>
<u>108952</u>	<u>Phenol</u>	<u>0.1</u>
<u>75445</u>	<u>Phosgene</u>	<u>0.1</u>
<u>7803512</u>	<u>Phosphine</u>	<u>5</u>
<u>7723140</u>	<u>Phosphorous</u>	<u>0.1</u>
<u>85449</u>	<u>Phthalic anhydride</u>	<u>5</u>
<u>1336363</u>	<u>Polychlorinated biphenyls (Aroclors)</u>	<u>0.009</u>
<u>106503</u>	<u>p-Phenylenediamine</u>	<u>10</u>
<u>123386</u>	<u>Propionaldehyde</u>	<u>5</u>
<u>114261</u>	<u>Propoxur (Baygone)</u>	<u>10</u>
<u>78875</u>	<u>Propylene dichloride (1,2-Dichloropropane)</u>	<u>1</u>
<u>75569</u>	<u>Propylene oxide</u>	<u>5</u>
<u>91225</u>	<u>Quinoline</u>	<u>0.006</u>
<u>106514</u>	<u>Quinone</u>	<u>5</u>
<u>100425</u>	<u>Styrene</u>	<u>1</u>
<u>96093</u>	<u>Styrene oxide</u>	<u>1</u>
<u>127184</u>	<u>Tetrachloroethylene (Perchloroethylene)</u>	<u>10</u>
<u>7550450</u>	<u>Titanium tetrachloride</u>	<u>0.1</u>
<u>108883</u>	<u>Toluene</u>	<u>10</u>
<u>8001352</u>	<u>Toxaphene (chlorinated camphene)</u>	<u>0.01</u>
<u>79016</u>	<u>Trichloroethylene</u>	<u>10</u>
<u>121448</u>	<u>Triethylamine</u>	<u>10</u>
<u>1582098</u>	<u>Trifluralin</u>	<u>9</u>
<u>108054</u>	<u>Vinyl acetate</u>	<u>1</u>
<u>593602</u>	<u>Vinyl bromide (bromoethene)</u>	<u>0.6</u>
<u>75014</u>	<u>Vinyl chloride</u>	<u>0.2</u>
<u>75354</u>	<u>Vinylidene chloride (1,1-Dichloroethylene)</u>	<u>0.4</u>
<u>1330207</u>	<u>Xylenes (isomers and mixture)</u>	<u>10</u>
<u>108383</u>	<u>m-Xylenes</u>	<u>10</u>
<u>95476</u>	<u>o-Xylenes</u>	<u>10</u>
<u>106423</u>	<u>p-Xylenes</u>	<u>10</u>
-	<u>Arsenic and inorganic arsenic compounds</u>	<u>0.005</u>
<u>7784421</u>	<u>Arsine</u>	<u>0.1</u>
-	<u>Antimony compounds (except those specifically listed)*</u>	<u>5</u>
<u>1309644</u>	<u>Antimony trioxide</u>	<u>1</u>
<u>1345046</u>	<u>Antimony trisulfide</u>	<u>0.1</u>
<u>7783702</u>	<u>Antimony pentafluoride</u>	<u>0.1</u>
<u>28300745</u>	<u>Antimony potassium tartrate</u>	<u>1</u>
-	<u>Beryllium compounds (except Beryllium salts)</u>	<u>0.008</u>
-	<u>Beryllium salts</u>	<u>0.00002</u>
-	<u>Cadmium compounds</u>	<u>0.01</u>
<u>130618</u>	<u>Cadmium oxide</u>	<u>0.01</u>
-	<u>Chromium compounds (except Hexavalent and Trivalent)</u>	<u>5</u>
-	<u>Hexavalent Chromium compounds</u>	<u>0.002</u>
-	<u>Trivalent Chromium compounds</u>	<u>5</u>
<u>10025737</u>	<u>Chromic chloride</u>	<u>0.1</u>
<u>744084</u>	<u>Cobalt metal (and compounds, except those specifically listed)*</u>	<u>0.1</u>
<u>10210681</u>	<u>Cobalt carbonyl</u>	<u>0.1</u>
<u>62207765</u>	<u>Fluomine</u>	<u>0.1</u>
-	<u>Coke oven emissions</u>	<u>0.03</u>

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Proposed Rules

-	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 which are not named specifically.

** - The "toxic equivalent factor" method in EPA/625/3-89-016 (U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures) should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors used which are compound specific. For purposes of this part, the document EPA/625/3-89-016, Interim Procedures for Estimating Risk Associated with Exposure to Mixtures, U.S. EPA (1989), is incorporated by reference. The Environmental Protection Agency is the author and publisher. This document is available at the University of Minnesota through the Minitex interlibrary loan system. This document is 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.

7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.

Subpart 1. **Administrative amendments allowed.** The agency may make the permit amendments described in this subpart through the administrative permit amendment process described in this part. An owner or operator of a stationary source shall request an administrative amendment if changes are to be made under item B or E:

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

D. an amendment to eliminate monitoring, recordkeeping, or reporting requirements if ~~they~~:

(1) the requirements are rendered meaningless because the only emissions to which the requirements apply will no longer occur;

(2) the change is to eliminate one validated reference test method for a pollutant and source category in order to add another;

(3) the requirements are redundant to or less strict than other existing requirements;

(4) the requirements are technically incorrect and their elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported; or

(5) the piece of equipment to which the monitoring, recordkeeping, or reporting requirement applies no longer exists or has been permanently disabled from use at the stationary source.

[For text of item E, see M.R.]

F. an amendment to incorporate into a permit the requirements from preconstruction review permits issued by the agency, incorporate into a permit the requirements from standards adopted under Code of Federal Regulations, title 40, part 63, as amended (National Emission Standards for Hazardous Air Pollutants for Source Categories), or to lower the plantwide emission limits in permits with Plantwide Applicability Limits to reflect the impact of standards adopted under Code of Federal Regulations, title 40, part 63, as amended;

G. an amendment to clarify the meaning of a permit term; and

H. an amendment to extend a deadline in a permit by no more than 120 days, provided that the agency may only extend a deadline established by an applicable requirement described in part 7007.0100, subpart 7, items A to K, if the agency has been delegated authority to make such extensions by the administrator. Notwithstanding the previous sentence, the agency may do an administrative amendment to extend a testing deadline in a permit up to 365 days if the agency finds that the extension is needed to allow the permittee to test at worst case conditions as required by part 7017.2025, subpart 2;

I. an amendment to remove any condition from a permit which was based on an applicable requirement that has been repealed, but only if the permit condition:

(1) is not required or replaced by another applicable requirement; and

(2) was not established for a specific facility to protect human health and the environment, to prevent pollution, as a mitigation measure in an environmental impact statement, or to obtain a negative declaration in an environmental assessment worksheet; and

J. an amendment to correct or update a citation to an applicable requirement where the corresponding permit condition is not changed.

[For text of subps 2 to 7, see M.R.]

7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

Subpart 1. **Minor and moderate amendment exclusions.** The agency may amend a permit using the minor and moderate permit amendment processes described in this part if the amendments are described in subparts 2 and 3, and if the amendments do not:

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Proposed Rules

[For text of item A, see M.R.]

B. seek to establish or amend a permit condition that is required to be based on a case-by-case determination of an emission limitation or other standard, ~~or on~~ a source-specific determination of ambient impacts, or on a visibility or increment analysis;

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

Subp. 2. **Minor amendment applicability.** Except as provided in subpart 1, the agency may amend a permit to allow a modification under the minor permit amendment process of this part, if the ~~modification is described in either item A or B.~~

A. ~~The~~ modification will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold:

Pollutant	Threshold
NO _x	9.13 pounds per hour
SO ₂	9.13 pounds per hour
VOCs	9.13 pounds per hour
PM-10	3.42 pounds per hour
CO	22.80 pounds per hour
Lead	.11 pounds per hour

~~B. The modification will not cause an increase in emissions of a hazardous air pollutant at a major source, as defined in Code of Federal Regulations, title 40, section 63.2, above the de minimis emission rates established in the rules promulgated by the administrator under section 412(g) of the act. This item becomes effective when the rules promulgated by the administrator under section 412(g) of the act become effective.~~

For purposes of this part, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. Modifications which would otherwise qualify for a minor or moderate amendment under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and requirements of title I of the act.

[For text of subps 3 to 9, see M.R.]

7007.1500 MAJOR PERMIT AMENDMENTS.

Subpart 1. **Major permit amendment required.** A "major permit amendment" is required for any modification at a permitted stationary source that is not allowed under parts 7007.1250 and 7007.1350 and for which an amendment cannot be obtained under the administrative permit amendment provisions of part 7007.1400, or the minor or moderate permit amendment provisions of part 7007.1450. The following always require major permit amendments:

A. any significant amendment to existing monitoring, reporting, or recordkeeping requirements in the permit other than:

(1) adding new requirements;

(2) eliminating the requirements if they are rendered meaningless because the only emissions to which the requirements apply will no longer occur; ~~or~~

(3) ~~changing from~~ eliminating one validated reference test method for a pollutant and source category in order to add another;

(4) eliminating the requirements that are redundant to or less strict than other existing requirements;

(5) eliminating the requirements that are technically incorrect where the elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported; or

(6) eliminating the requirements for a piece of equipment that no longer exists or has been permanently disabled from use at the stationary source;

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

[For text of subps 2 and 3, see M.R.]

Subp. 3a. Making existing facilities into affected facilities subject to new source performance standards.

A. The owner or operator of a stationary source may construct an affected facility, as that term is defined in Code of Federal Regulations, title 40, section 60.2, as amended (Standards of Performance for New Stationary Sources; Definitions), upon receiving from the agency written approval to construct the affected facility. For purposes of this subpart, construction of an affected facility includes only modification or reconstruction, as described in Code of Federal Regulations, title 40, sections 60.14 and 60.15, as amended, making an existing facility into an affected facility. No person may begin to operate the affected facility until receipt of a major amendment issued by the agency under this part.

B. The agency shall issue written approval to construct, or explain in writing why the approval will not be granted, within 60 days of receiving a complete permit application seeking authorization to construct and operate the affected facility. The application must be accompanied by a written request for approval to construct under this subpart, and a statement certified by a responsible official certifying that requirements of part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act do not apply to the proposed construction. The agency's failure to respond within the 60-day period shall not be deemed approval to construct. The approval to construct shall only apply to the affected facility.

C. This subpart does not apply if the construction, reconstruction, or modification would be subject to the new source review requirements of part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act.

D. This subpart does not relieve the applicant of the obligation to comply with the requirements of Minnesota Statutes, chapter 116D, prior to construction, if applicable.

Subp. 4. **Permit shield applies.** The permit shield described in part 7007.1800 shall apply to amendments made through the major permit amendment process, except that the permit shield does not apply to construction carried out under subpart 3a prior to issuance of a major permit amendment.

7009.0080 STATE AMBIENT AIR QUALITY STANDARDS.

The following table contains the state ambient air quality standards.

Pollutant/ Air Contaminant	Primary Standard	Secondary Standard	Remarks
Hydrogen Sulfide	0.05 ppm by volume (70.0 micrograms per cubic meter)		1/2 hour average not to be exceeded over 2 times per year
	0.03 ppm by volume (42.0 micrograms per cubic meter)		1/2 hour average not to be exceeded over 2 times in any 5 consecutive days
Ozone	0.12 ppm by volume (235 micrograms per cubic meter)	0.12 ppm by volume (235 micrograms per cubic meter)	the standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one, as determined by Code of Federal Regulations, title 40, part 50, appendix H, Interpretation of the National Ambient Air Quality Standards for Ozone (1984), <u>as amended</u>

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Proposed Rules

Carbon Monoxide	9 ppm by volume (10 milligrams per cubic meter)	9 ppm by volume (10 milligrams per cubic meter)	maximum 8 hour concentration not to be exceeded more than once per year
	30 ppm by volume (35 milligrams per cubic meter)	30 ppm by volume (35 milligrams per cubic meter)	maximum 1 hour concentration not to be exceeded more than once per year
Hydrocarbons	0.24 ppm by volume (160 micrograms per cubic meter)	0.24 ppm by volume (160 micrograms per cubic meter)	maximum 3 hour concentration (6:00 to 9:00 a.m.) not to be exceeded more than once per year, corrected for methane
Sulfur Dioxides	80 micrograms per cubic meter (0.03 ppm by volume)	60 micrograms per cubic meter (0.02 ppm by volume)	maximum annual arithmetic mean
	365 micrograms per cubic meter (0.14 ppm by volume)	365 micrograms per cubic meter (0.14 ppm by volume)	maximum 24 hour concentration not to be exceeded more than once per year
		915 micrograms per cubic meter (0.35 ppm by volume)	maximum 3 hour concentration not to be exceeded more than once per year in Air Quality Control Regions 127, 129, 130, and 132 as set forth in Code of Federal Regulations, title 40, part 81, Designations of Air Quality Control Regions (1981)
		1300 micrograms per cubic	maximum 3 hour concentration not to be exceeded more than

		meter (0.5 ppm by volume)	once per year in Air Quality Control Regions 128, 131, and 133 as set forth in Code of Federal Regulations, title 40, part 81, Designation of Air Quality Control Regions (1984)
	1300 micrograms per cubic meter (0.5 ppm by volume)		maximum 3 hour concentration not to be exceeded more than once per year
	1300 micrograms per cubic meter (0.5 ppm by volume)		maximum 1 hour concentration not to be exceeded more than once per year
Particulate Matter	75 micrograms per cubic meter	60 micrograms per cubic meter	maximum annual geometric mean
	260 micrograms per cubic meter	150 micrograms per cubic meter	maximum 24 hour concentration not to be exceeded more than once per year
Nitrogen Dioxides	0.05 ppm by volume (100 micrograms per cubic meter)	0.05 ppm by volume (100 micrograms per cubic meter)	maximum annual arithmetic mean
Lead	1.5 micrograms per cubic meter	same as primary standard	maximum arithmetic mean averaged over a calendar quarter
PM10	150 micrograms	same as primary	maximum 24-hour average concentration;

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Proposed Rules

per cubic meter	standard	the standard is attained when the expected number of days per calendar year exceeding the value of the standard is equal to or less than one
50 micrograms per cubic meter	same as primary standard	annual arithmetic mean; the standard is attained when the expected annual arithmetic mean concentration is less than or equal to the value of the standard

7009.1040 CONTROL ACTIONS.

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

Subp. 3. **Episode emission reduction plan.** The owner or operator of each emission facility or stationary source located in an area of the state designated by the commissioner as having exceeded the alert levels in part 7009.1060, table 1, within the last ten years and having allowable emissions of ~~more greater than~~ or equal to 250 tons per year of the pollutant causing the episode, shall submit to the commissioner an episode emission reduction plan to be implemented at the facility or stationary source in the event of a declaration by the commissioner of an air pollution episode. The plan shall be submitted to the commissioner within 90 days of the designation of the area or by September 1, 1995, whichever is later. The plan shall be consistent with the emission reduction objectives in subpart 4 and shall designate at least two individuals to be notified in the event of the declaration of an air pollution episode. The plan shall be subject to the approval of the commissioner. If the commissioner finds that the plan is inconsistent with such emission reduction objectives, the plan shall be returned to the owner or operator along with a written statement of the reason(s) for disapproval. The owner or operator shall correct the deficiency within 30 days of notification of disapproval and shall resubmit the plan to the commissioner.

[For text of subps 4 and 5, see M.R.]

7011.0060 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Hood.** "Hood" means a shaped inlet to a pollution control system that does not totally surround emissions from an emissions unit, that is designed to capture and discharge the air emissions through ductwork to control equipment, and that conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists." This document is subject to frequent change. A spray booth can be a hood if it meets the definition in this subpart.

[For text of subps 3 to 5, see M.R.]

7011.0065 APPLICABILITY.

Subpart 1. **Applicability.** The owner or operator of a stationary source shall comply with parts 7011.0060 to 7011.0080 if the owner or operator used the control equipment efficiencies for listed control equipment established pursuant to part 7011.0070 to calculate potential to emit, from emissions units that discharge through the listed control equipment, to:

- A. determine what type of permit is required, pursuant to part 7007.0150, subpart 4, item B;
- B. determine what type of amendment to a part 70 or state permit is required, pursuant to part 7007.1200, except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used;
- C. qualify for an insignificant modification under part 7007.1250; or
- D. qualify for registration permit option D under part 7007.1130.

[For text of subp 2, see M.R.]

7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

Subpart 1. **Listed control equipment efficiencies.** Unless a part 70, state, or general permit specifies a different control efficiency, the owner or operator of a stationary source must at all times attain at least the control efficiency listed in Table A for each piece of listed control equipment at the stationary source. The applicable control efficiency for a type of listed control equipment and a given pollutant is determined by whether air

emissions are discharged to the control equipment through a hood or through a total enclosure. The control equipment efficiencies in Table A do not apply to any hazardous air pollutant. The owner or operator of a stationary source that is subject to the control efficiencies given for hoods in Table A 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 subpart 3.

CONTROL EQUIPMENT EFFICIENCY-TABLE A

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY	
			TOTAL ENCLOSURE	HOOD
	PM CONTROL CATEGORY-CYCLONES means a device where airflow is forced to spin in a vortex through a tube			
007	Centrifugal Collector (cyclone)-high efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	80%	64%
008	Centrifugal Collector (cyclone)-medium efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	50%	40%
009	Centrifugal Collector (cyclone)-low efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	10%	8%
076	Multiple Cyclone without Fly Ash Reinjection means: a cyclonic device with more than one tube where fly ash is not reinjected	PM,PM-10	80%	NA
077	Multiple Cyclone with Fly Ash Reinjection means: a cyclonic device with more than one tube where fly ash is reinjected	PM,PM-10	50%	NA
085	Wet Cyclone Separator or	PM,PM-10	50%	40%

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Proposed Rules

Cyclonic Scrubbers means:
a cyclonic device that sprays
water into a cyclone

012	PM CONTROL CATEGORY- ELECTROSTATIC PRECIPITATORS means: a control device in which the incoming particulate matter receives an electrical charge and is then collected on a surface with the opposite electrical charge -assumed efficiency for boiler fly ash control -assumed efficiency for other applications PM CONTROL CATEGORY-OTHER CONTROLS	PM-10 PM-10	40% 70%	NA 56%
016	Fabric Filter means: a control device in which the incoming gas stream passes through a porous fabric filter forming a dust cake	PM,PM-10	99%	79%
052	Spray Tower means: a control device in which the incoming gas stream passes through a chamber in which it contacts a liquid spray	PM,PM-10	20%	16%
053	Venturi Scrubber means: a control device in which the incoming gas stream passes through a venturi into which a low pressure liquid is introduced	PM,PM-10	90%	72%
055	Impingement Plate Scrubber means: a control device in which the incoming gas stream passes a liquid spray and is then directed at high velocity into a plate	PM,PM-10	25%	20%
058A 058B	HEPA and Other Wall Filter means: a control device in which the incoming exiting gas stream passes through a panel of coarse fibers. Other Wall Filters means removable panels for cleaning and replacement, or liquid curtains for particulate removal that provide little resistance to air flow VOC CONTROL CATEGORY	PM,PM-10	92%	NA 74%

019	Afterburners (thermal or catalytic oxidation) means: a device used to reduce VOCs to the products of combustion through thermal (high temperature) oxidation or catalytic (use of a catalyst) oxidation in a combustion chamber	VOC	95%	57%
023	Flaring or Direct Combustor means: a device in which air, combustible organic waste gases, and supplementary fuel (if needed) react in the flame zone (e.g., at the flare tip) to destroy the VOCs	VOC	98%	59%

Table 1
Cyclone Type

Ratio Dimensions	High Efficiency	Medium Efficiency	Low Efficiency
Height of inlet, H/D	≤0.44	>0.44 and <0.8	≥0.8
Width of inlet, W/D	≤0.2	>0.2 and <0.375	≥0.375
Diameter of gas exit, D _g /D	≤0.4	>0.4 and <0.75	≥0.75
Length of vortex finder, S/D	≤0.5	>0.5 and <0.875	≥0.875

If one or more of the "ratio dimensions," as listed in table 1, are in a different efficiency category (high, medium, low), then the lowest efficiency category shall be applied.

[For text of subps 2 and 3, see M.R.]

7011.0075 CONTROL EQUIPMENT GENERAL REQUIREMENTS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Deviation of listed control equipment from operating specifications.** The owner or operator of a stationary source shall report to the commissioner ~~deviations from in accordance with the deadlines in part 7007.0800, subpart 6, item A, subitem (2), any recorded reading outside the specification or range of specification allowed by subpart 1 of any monitored operating parameter as required by part 7011.0080, except that owners or operators with a registration permit option D to which parts 7011.0060 to 7011.0080 apply shall make this report only if a deviation occurred in the reporting period.~~ "Deviation" means any recorded reading outside of the specification or range of specifications allowed by subpart 4 or established by a part 70, state, or general permit. This report shall be on a form approved by the commissioner. For any given calendar quarter, and within 30 days after the end of the quarter, the owner or operator shall:

A. for pollution control equipment parameters measured on a continuous basis, submit a monitoring report if there are deviations for more than five percent of the emissions unit's operating time in that quarter; and

B. for pollution control equipment parameters measured periodically, submit a monitoring report if there are deviations for more than five percent of the measurements of a subject parameter of the control equipment operating in that quarter.

[For text of subps 6 and 7, see M.R.]

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Proposed Rules

7011.0105 VISIBLE EMISSION RESTRICTIONS FOR EXISTING FACILITIES.

No owner or operator of an existing emission facility to which parts 7011.0100 to 7011.0115 are applicable shall cause to be discharged into the atmosphere from the facility any gases which exhibit greater than 20 percent opacity; except that a maximum of 40 percent opacity shall be permissible for four minutes in any 60-minute period. For the purposes of this part, "existing emission facility" means an emission facility on which construction, modification, or reconstruction did not commence after January 31, 1977.

7011.0110 VISIBLE EMISSION RESTRICTIONS FOR NEW FACILITIES.

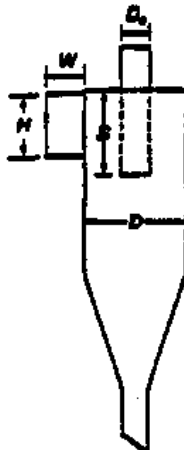
No owner or operator of a new emission facility to which parts 7011.0100 to 7011.0115 are applicable shall cause to be discharged into the atmosphere from the facility any gases which exhibit greater than 20 percent opacity. For the purposes of this part, "new emission facility" means an emission facility on which construction, modification, or reconstruction commenced after January 31, 1977.

7011.0510 STANDARDS OF PERFORMANCE FOR EXISTING INDIRECT HEATING EQUIPMENT.

Subpart 1. **Particulate matter and sulfur dioxide.** No owner or operator of existing indirect heating equipment shall cause to be discharged into the atmosphere from said equipment any gases which contain particulate matter or sulfur dioxide in excess of the standards of performance shown in part 7011.0545.

Subp. 2. **Opacity.** No owner or operator of existing indirect heating equipment shall cause to be discharged into the atmosphere from said equipment any gases which exhibit greater than 20 percent opacity; except that a maximum of 60 percent opacity shall be permissible for four minutes in any 60-minute period and that a maximum of 40 percent opacity shall be permissible for four additional minutes in any 60-minute period.

Drawing 1



SOURCE: Lepple, 1981.

Subp. 3. **Definition.** For the purposes of this part and part 7011.0545, "existing indirect heating equipment" means indirect heating equipment on which construction, modification, or reconstruction did not commence after January 31, 1977.

7011.0515 STANDARDS OF PERFORMANCE FOR NEW INDIRECT HEATING EQUIPMENT.

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

Subp. 3. **Definition.** For the purposes of this part and part 7011.0550, "new indirect heating equipment" means indirect heating equipment on which construction, modification, or reconstruction commenced after January 31, 1977.

7011.0535 PERFORMANCE TEST PROCEDURES.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Nanograms.** For each performance test, the emissions expressed in nanograms/joule (lb/million Btu) shall be determined by the following procedure:

$$E = CF \left(\frac{20.90}{\quad} \right)$$

20.9 - %O₂

where:

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

D. The owner or operator may use either subitem (1) or (2) to determine the value of E. F = factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted.

(1) Values of F are given as follows:

~~(1)~~ (a) for anthracitic coal according to A.S.T.M. D388-66, $F = 2.723 \times 10^{-7}$ dscm/J (10140 dscf/10⁶ Btu);

~~(2)~~ (b) for subbituminous and bituminous coal according to A.S.T.M. D388-66, $F = 2.637 \times 10^{-7}$ dscm/J (9820 dscf/10⁶ Btu); ~~and~~

~~(3)~~ (c) for liquid fossil fuels including crude, residual, and distillate oils, $F = 2.476 \times 10^{-7}$ dscm/J (9220 dscf/10⁶ Btu); and

~~(4)~~ (d) for gaseous fossil fuels including natural gas, propane, and butane, $F = 2.347 \times 10^{-7}$ dscm/J (8740 dscf/10⁶ Btu).

~~E.~~ (2) An owner or operator may use the following equation to determine an F factor (dscf/10⁶ Btu) ~~in lieu of the F factors specified by item D:~~

$$F = \frac{10^6[3.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)]}{GVH}$$

where:

~~(1)~~ (a) H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined by ultimate analysis of the fuel fired, dry basis, using A.S.T.M. methods D3168-74 or D3176 (solid fuels) or D240-64(73) (liquid fuels) or computed from results using A.S.T.M. method D1137-53(70), D1945-64(73) or D1946-67(72) (gaseous fuels) as applicable; and

~~(2)~~ (b) GHV is the gross heating value (Btu/lb dry basis);

~~F.~~ E. When combinations of fuels are fired, the F factors determined by item C or D shall be prorated in accordance with the following formula:

$$F = \frac{xF_1 + yF_2 + zF_3}{100}$$

where:

x = the percentage of total heat input derived from gaseous fossil fuel;

y = the percentage of total heat input derived from liquid fossil fuel;

z = the percentage of total heat input derived from solid fossil fuel;

F₁ = the value of F for gaseous fossil fuels according to item D or E;

F₂ = the value of F for liquid fossil fuels according to item D or E; and

F₃ = the value of F for solid fossil fuels according to item D or E;

~~G.~~ F. When combinations of fossil fuels are fired, the actual heat input, expressed in cal/hr (Btu/hr), shall be determined during each testing period. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the indirect heating system.

[For text of subps 8 and 9, see M.R.]

7011.0620 PERFORMANCE TEST PROCEDURES.

[For text of subps 1 to 5, see M.R.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Subp. 6. **Sulfur dioxide emissions.** For each performance test for sulfur dioxide emissions, the emissions expressed in g/million cal (lb/million Btu) shall be determined by the following procedure if the actual heat input is used:

$$E = CF \left(\frac{20.90}{20.9 - \%O_2} \right)$$

where:

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

D. ~~The owner or operator may use either subitem (1) or (2) to determine the value of F.~~ F = factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted.

(1) Values of F are given as follows:

~~(1) (a)~~ for anthracitic coal according to A.S.T.M. D388-66, F = 0.01139 dscm/10⁴ cal (101.4 dscf/10⁴ Btu);

~~(2) (b)~~ for subbituminous and bituminous coal according to A.S.T.M. D388-66, F = 0.01103 dscm/10⁴ cal (98.2 dscf/10⁴ Btu);

~~(3) (c)~~ for liquid fossil fuels including crude, residual, and distillate oils, F = 0.01036 dscm/10⁴ cal (92.2 dscf/10⁴ Btu); and

~~(4) (d)~~ for gaseous fossil fuels including natural gas, propane, and butane, F = 0.00982 dscm/10⁴ cal (87.4 dscf/10⁴ BTU).

~~E. (2)~~ An owner or operator may use the following equation to determine an F factor (dscf/10⁴ Btu) ~~in lieu of the F factors specified by item D or E:~~

$$F = \frac{10^6 3.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)}{GVH}$$

where:

~~(1) (a)~~ H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined by ultimate analysis of the fuel fired, dry basis, using A.S.T.M. methods D3178-74 or D3176 (solid fuels) or D240-64(73) (liquid fuels) or computed from results using A.S.T.M. method D1137-53(70), D1945-64(73) or D1946-67(72) (gaseous fuels) as applicable; and

~~(2) (b)~~ GHV is the gross heating value.

~~F. E.~~ When combinations of fuels are fired, the F factors determined by item D or E shall be prorated in accordance with the following formula:

$$F = \frac{x F_1 + y F_2 + z F_3}{100}$$

where:

x = the percentage of total heat input derived from gaseous fossil fuel;

y = the percentage of total heat input derived from liquid fossil fuel;

z = the percentage of total heat input derived from solid fossil fuel;

F₁ = the value of F for gaseous fossil fuels according to item D or E;

F₂ = the value of F for liquid fossil fuels according to item D or E;

F₃ = the value of F for solid fossil fuels according to item D or E.

~~G. E.~~ When combinations of fossil fuels are fired, the actual heat input, expressed in cal/hr (Btu/hr), shall be determined during each testing period. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the direct heating system.

7011.0805 STANDARDS OF PERFORMANCE FOR EXISTING PORTLAND CEMENT PLANTS.

No owner or operator of an existing portland cement plant shall cause or allow the discharge into the atmosphere of any gases which:

A. contain particulate matter in excess of the limits established by parts 7011.0700 to 7011.0735; or

B. exhibit greater than 20 percent opacity, except that a maximum of 40 percent opacity shall be permissible for not more than four minutes in any 30-minute period and a maximum of 60 percent opacity shall be permissible for not more than four minutes in any 60-minute period.

The requirements of this part are applicable to the kiln, the clinker cooler, the raw mill system, the raw mill dryer, raw material storage, the finish mill system, clinker storage, finished product storage, conveyor transfer points, and bagging and bulk loading and unloading systems.

For the purposes of this part, "existing portland cement plant" means a portland cement plant on which construction, modification, or reconstruction did not commence after August 17, 1971.

7011.0917 ASPHALT PLANT CONTROL EQUIPMENT REQUIREMENTS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Deviation of asphalt plant control equipment from operating specifications.** Unless otherwise specified in a part 70, state, or general permit, the owner or operator of a stationary source shall report to the commissioner ~~deviations from any monitored operating parameter required by subpart 7.~~ "Deviation" means any recorded reading outside of the specification or range of specifications allowed by subpart 1 from any monitored operating parameter required by subpart 7, in accordance with the deadlines in part 7007.0800, subpart 6, item A, subitem (2), except that owners and operators with a registration permit option D shall make this report only if a deviation occurred in the reporting period. The report shall be on a form approved by the commissioner. The owner or operator shall report the deviation to the commissioner semiannually in a midyear report and an end-of-year report. The midyear report, covering deviations which occurred during the period from January 4 to June 30, is due by July 30 of each year. The end-of-year report, covering deviations which occurred during the period from July 4 to December 31, is due by January 30 each year.

[For text of subp 7, see M.R.]

7011.1105 STANDARDS OF PERFORMANCE FOR CERTAIN COAL HANDLING FACILITIES.

The owner or operator of ~~a any new coal handling facility, or an existing coal handling facility which is located within the Minneapolis-Saint Paul Air Quality Control Region or within the boundaries of the city of Duluth,~~ shall perform the following abatement measures unless otherwise exempt by portions of these parts:

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

7011.1110 STANDARDS OF PERFORMANCE FOR EXISTING OUTSTATE COAL HANDLING FACILITIES.

The owner or operator of an existing coal handling facility which is located outside the Minneapolis-Saint Paul Air Quality Control Region and outside the boundaries of the city of Duluth shall comply with ~~the requirements of existing rules (part 7011.0150)~~ for the control of fugitive particulate emissions. For the purposes of this part, "existing coal handling facility" means a coal handling facility on which construction, modification, or reconstruction did not commence after November 17, 1980.

7011.1305 STANDARDS OF PERFORMANCE FOR EXISTING SEWAGE SLUDGE INCINERATORS.

No owner or operator of an existing sewage sludge incinerator shall cause to be discharged into the atmosphere from the sewage sludge incinerator any gases which:

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

C. contain particulate matter in excess of 0.1 ~~gr/dscf~~ gr/dscf corrected to 12 percent CO₂ if the incinerator has a burning capacity of greater than 2,000 pounds per hour.

No owner or operator of an existing sewage sludge incinerator shall cause to be discharged into the atmosphere from the incinerator any gases which exhibit greater than 20 percent opacity, except that a maximum of 40 percent opacity shall be permissible for four minutes in any 60-minute period.

No owner or operator of an existing sewage sludge incinerator shall operate such incinerator unless such incinerator utilizes auxiliary fuel burners that maintain a minimum temperature of 1,200 degrees Fahrenheit for a minimum retention time of 0.3 second or other method of odor control as approved by the commissioner.

For the purposes of this part, "existing sewage sludge incinerator" means a sewage sludge incinerator on which construction, modification, or reconstruction did not commence after June 11, 1973.

7011.1310 STANDARDS OF PERFORMANCE FOR NEW SEWAGE SLUDGE INCINERATORS.

No owner or operator of a new sewage sludge incinerator shall cause to be discharged into the atmosphere from the incinerator any gases which:

A. contain particulate matter in excess of 0.65 g/kg dry sludge input (1.30 lb/ton dry sludge input); or

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

B. exhibit 20 percent opacity or greater.

No owner or operator of a new sewage sludge incinerator shall operate such incinerator unless such incinerator utilizes auxiliary fuel burners that maintain a minimum temperature of 1200 degrees Fahrenheit for a minimum retention time of 0.3 second or other method of odor control as approved by the commissioner.

For the purposes of this part, "new sewage sludge incinerator" means a sewage sludge incinerator on which construction, modification, or reconstruction commenced after June 11, 1973.

7011.1405 STANDARDS OF PERFORMANCE FOR EXISTING AFFECTED FACILITIES AT PETROLEUM REFINERIES.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Definition.** For the purposes of this part, "existing" means equipment on which construction, modification, or reconstruction did not commence after June 11, 1973.

7011.1410 STANDARDS OF PERFORMANCE FOR NEW AFFECTED FACILITIES AT PETROLEUM REFINERIES.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Definition.** For the purposes of this part, "new" means equipment on which construction, modification, or reconstruction commenced after June 11, 1973.

7011.1415 EXEMPTIONS.

The combustion of process upset gas in a flare, or the combustion in a flare of process gas or fuel gas which is released to the flare as a result of relief valve leakage, is exempt from the standards of performance set forth in these parts.

The standards of performance promulgated in parts ~~7011.1400 to 7011.1430~~ 7011.0500 to 7011.0530 for indirect heating equipment shall not apply to indirect heating equipment at a petroleum refinery. Only those standards of performance for indirect heating equipment set forth in these parts shall apply to such equipment.

7011.1600 DEFINITIONS.

As used in parts 7011.1600 to 7011.1700 the following words shall have the meanings defined herein:

A. Acid mist. "Acid mist" means sulfuric acid mist as measured by Method 8.

B. Sulfuric acid production unit. "Sulfuric acid production unit" means any emission facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

C. Existing sulfuric acid production unit. "Existing sulfuric acid production unit" means a sulfuric acid production unit on which construction, modification, or reconstruction did not commence after August 17, 1971.

7011.1705 STANDARDS OF PERFORMANCE FOR EXISTING NITRIC ACID PRODUCTION UNITS.

Prior to July 1, 1977, no owner or operator of an existing nitric acid production unit shall cause to be discharged into the atmosphere from any nitric acid production unit any gases which contain nitrogen oxides, expressed as NO₂, in excess of 50 pounds per ton of acid produced (25 kg per metric ton), the production being expressed as 100 percent nitric acid.

After July 1, 1977, no owner or operator of an existing nitric acid production unit shall cause to be discharged into the atmosphere from any nitric acid production unit any gases which contain nitrogen oxides, expressed as NO₂, in excess of 40 pounds per ton of acid produced (20 kg per metric ton), the production being expressed as 100 percent nitric acid.

No owner or operator of an existing nitric acid production unit shall cause to be discharged into the atmosphere from any nitric acid production unit any gases which exhibit greater than ten percent opacity.

For the purposes of this part, "existing nitric acid production unit" means a nitric acid production unit on which construction, modification, or reconstruction did not commence after August 17, 1971.

7011.2300 STANDARDS OF PERFORMANCE FOR STATIONARY INTERNAL COMBUSTION ENGINES.

Subpart 1. **Visible air contaminants.** No owner or operator of any stationary internal combustion engine shall cause or permit the emission of visible air contaminants from the engine in excess of 20 percent opacity ~~for more than ten consecutive seconds~~ once operating temperatures have been obtained.

Subp. 2. **Sulfur dioxide.** No owner or operator of any stationary internal combustion engine shall cause to be discharged into the atmosphere from the engine any gases which contain sulfur dioxide in excess of ~~4-75~~ 0.5 pounds per million Btu actual heat input ~~if the engine is located in the Minneapolis-Saint Paul air quality control region or if the engine is located outside the Minneapolis-Saint Paul air quality control region but has a total rated heat input greater than 250 million Btu per hour unless an alternative limit is established in an air emission permit after demonstration through modeling of compliance with the sulfur dioxide standards in part 7009.0080.~~

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

7019.1000 NOTIFICATIONS OF DEVIATIONS WHICH ENDANGER HUMAN HEALTH OR THE ENVIRONMENT; SHUTDOWNS AND BREAKDOWNS.

Subpart 1. **Shutdown.** The owner or operator of an emission facility shall notify the commissioner at least 24 hours in advance of a shutdown of any control equipment or process equipment if the shutdown would cause an increase in the emissions of any regulated air pollutant. At the time of notification, the owner or operator shall also notify the commissioner of the cause of the shutdown and the estimated duration. The owner or operator shall notify the commissioner when the shutdown is over. **Notification of deviations which endanger human health or the environment.** The owner or operator of an emission facility, in the event of any deviation, as defined in part 7007.0100, subpart 8a, which could endanger human health or the environment, shall notify, orally or in writing, the commissioner or the state duty officer as soon as possible after discovery of the deviation. Within two working days of the discovery, the owner or operator shall submit to the commissioner a written description of the deviation stating:

- A. the cause of the deviation;
- B. the exact dates of the period of the deviation, if the deviation has been corrected;
- C. whether or not the deviation has been corrected;
- D. the anticipated time by which the deviation is expected to be corrected, if not yet corrected; and
- E. steps taken or planned to reduce, eliminate, and prevent recurrence of the deviation.

Subp. 2. **Breakdown notification.** The owner or operator of an emission facility, emissions unit, or stationary source shall notify the commissioner immediately within 24 hours of a breakdown of more than one hour duration of any control equipment or process equipment if the breakdown would cause an increase in the emissions of any regulated air pollutant. The 24-hour time period starts when the breakdown was discovered or reasonably should have been discovered by the owner or operator. However, notification is not required if:

- A. an applicable requirement or compliance document does not require operation of the control equipment;
- B. an applicable requirement or compliance document specifies alternative minimum operating conditions for the process or control equipment that are still complied with despite the breakdown; or
- C. if the facility directly and continuously monitors the emissions with a continuous emissions monitor or similar direct monitoring device that demonstrates emissions do not exceed the applicable limit of any regulated pollutant during the breakdown.

At the time of notification or as soon as possible thereafter as possible, the owner or operator shall also notify inform the commissioner of the cause of the breakdown and the estimated duration. The owner or operator shall notify the commissioner when the breakdown is over.

Subp. 3. **Shutdown notification.** The owner or operator of an emission facility, emissions unit, or stationary source shall notify the commissioner at least 24 hours in advance of a planned shutdown of any control equipment or process equipment if the shutdown would cause any increase in the emissions of any regulated air pollutant. If the owner or operator does not have advance knowledge of the shutdown, notification shall be made to the commissioner as soon as possible after the shutdown. However, notification is not required if:

- A. an applicable requirement or compliance document allows the shutdown of, or does not require operation of, the control equipment;
- B. an applicable requirement or compliance document specifies alternative minimum operating conditions for the process or control equipment that are still complied with despite the shutdown; or
- C. if the facility directly and continuously monitors the emissions with a continuous emissions monitor or similar direct monitoring device that demonstrates emissions do not exceed the applicable limit of any regulated pollutant during the shutdown.

At the time of notification, the owner or operator shall inform the commissioner of the cause of the shutdown and the estimated duration. The owner or operator shall notify the commissioner when the shutdown is over.

Subp. 4. **Operation changes.** In any shutdown or, breakdown, or deviation covered by subpart 1 or 2, or 3, the owner or operator shall immediately take all practical steps to modify operations to reduce the emission of any regulated air contaminants pollutant. The commissioner may require feasible and practical modifications in the operation to reduce emissions of air contaminants pollutants. No affected facility which has emissions units that have an unreasonable shutdown or breakdown frequency of process or control equipment shall be permitted to operate. Nothing in this part shall permit the operation of an affected facility which may cause an immediate public health hazard.

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Proposed Rules

Subp. 4. **Monitoring equipment.** ~~The owner or operator of a continuous monitoring system or monitoring device shall notify the commissioner of any breakdown or malfunction of such system or device.~~

Subp. 5. **Effect of rule.** ~~Nothing in this part:~~

~~A. allows the operation of an emission facility, emissions unit, or stationary source which may endanger human health or the environment;~~

~~B. allows the owner or operator of an emission facility to violate an applicable requirement or compliance document;~~

~~C. excuses compliance with *Minnesota Statutes*, section 116.061; or~~

~~D. prevents the agency from exercising its emergency powers under *Minnesota Statutes*, section 116.11, in the event that conditions warranting such action shall arise.~~

Subp. 6. **Definitions.** ~~"Applicable requirement" has the meaning given in part 7007.0100, subpart 7. "Compliance document" has the meaning given in part 7017.2005, subpart 2.~~

Subp. 7. **Transition to amended rule.** ~~The amendments to this part adopted at .. SR ... supersede the requirements of permit conditions based on this part in air emission permits issued by the agency prior to January 1, 1998.~~

7035.2875 REFUSE-DERIVED FUEL PROCESSING FACILITIES.

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

Subp. 3. **Operation and maintenance manual.** The owner or operator of a refuse-derived fuel processing facility must prepare an operation and maintenance manual and keep the manual at the facility. The manual must contain the information needed to operate the facility properly and meet the following requirements:

~~A. Odors emitted by the facility must comply with the applicable provisions of parts 7011.2200 to 7011.2220.~~

~~B.~~ Access to the site must be controlled by a complete perimeter fence and gate. The gate must be locked when the facility is not open for business.

~~C. B.~~ By-products, including residuals and metal fractions, must be stored to prevent vector problems and aesthetic degradation. The by-products must be removed or used at least once a week.

[For text of subps 4 and 5, see M.R.]

REPEALER. *Minnesota Rules*, parts 7007.0750, subpart 6; 7007.1251; 7011.0400; 7011.0405; 7011.0410; 7011.2200; 7011.2205; 7011.2210; and 7011.2220, are repealed.

Department of Agriculture

Adopted Permanent Rules Relating to Agricultural Development Bond Beginning Farmer Loan Program

The rules proposed and published at *State Register*, Volume 21, Number 47, pages 1666-1667, May 19, 1997 (21 SR 1666), are adopted as proposed.

Department of Health

Adopted Permanent Rules Governing the Special Supplemental Nutrition Program for Women, Infants, and Children

The rules proposed and published at *State Register*, Volume 21, Number 31, pages 1015-1036, January 27, 1997 (21 SR 1015), are adopted with the following modifications:

4617.0059 RETAIL FOOD VENDOR LIMITATION CRITERIA.

Subpart 1. **Determining maximum number of retail food vendors.** Before the first day of each applicable regional review period, the commissioner shall establish a maximum number of retail food vendors for each county within that region, according to this subpart.

B. The minimum number of participants per vendor for each Tier 2 county shall be ~~60~~ 50.

Board of Nursing

Notice of Withdrawal of Administrative Rule

NOTICE IS HEREBY GIVEN that the proposed administrative rule 6330.0350 F., as published in *State Register*, Volume 21, Number 45, Pages 1583-1589, May 5, 1997, (21 SR 1583), was withdrawn from consideration for adoption by the Board of Nursing by action taken by the Board at its meeting of June 13, 1997.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Withdrawn Rules

Office of the Governor

Emergency Executive Order #97-18: Declaring a State of Emergency in the State of Minnesota

I, **ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, between June 28 and July 27, 1997, severe thunderstorms accompanied by tornadoes, straight-line winds in excess of 100 miles per hour, and torrential rainfall have devastated areas of central and east-central Minnesota; and

WHEREAS, these conditions have inflicted widespread and considerable damage to the public infrastructure as well as to homes, farms, and businesses; and

WHEREAS, as a result, there is a threat to public safety for citizens in the counties of Anoka, Hennepin, Isanti, Kandiyohi, Ramsey, Sherburne and Wright; and

WHEREAS, the resources of local, county, state and tribal government and private relief agencies have been exhausted in responding to this crisis;

NOW, THEREFORE, I hereby declare that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1996, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this thirty-first day of July, 1997.

Arne H. Carlson
Governor

Filed According to Law:
Joan Anderson Growe
Secretary of State

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Special Local Need Registration

On July 31, 1997, the Minnesota Department of Agriculture issued a Special Local Need (SLN) registration for Super Tin fungicide manufactured by Griffin Corporation, Valdosta, GA 31603, that would allow the use of Super Tin at the reduced pre-harvest interval of seven days when used on potatoes.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is September 10, 1997.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 11, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Addition and Alterations-Centennial Ice Arena-Blaine.

Blue Earth: Wastewater Treatment Plant Expansion-Mankato.

Dakota: Airlake Airport Hangers Demolition-Lakeville; Airlake Airport Hanger Demolition-MAC-Lakeville.

Hennepin: Hangers #1 and #2 Abatement-Metropolitan Airport Commission-Minneapolis.

Itasca: City Shop Building-Calumet; Revisions and Addition to Itasca County Highway Garage-Warba.

McLeod: Phase II Development-Hutchinson Municipal Airport-Hutchinson.

Morrison: Reroofing-Royalton High School-Royalton.

Mower: Entry Door Replacement-Riverland Community College West-Austin; Remodeling Austin Workforce Center-Riverland Community College West-Austin.

Nobles: Nobles County Library Remodeling-Worthington.

Olmsted: Stewartville Secondary Schools Addition and Remodel-Stewartville.

Ramsey: 1997 ADA Restroom Asbestos Abatement-Cowern Elementary-North St. Paul; Floodwall Joint Repair-Metro Plant/Metropolitan Waste Control-St. Paul; MWWTP Siphon Headhouse Improvements-St. Paul; 1997 Reroofing-Minnesota Historical Society-St. Paul.

Roseau: Aircraft Fueling System- Warroad International Airport-Warroad.

St. Louis: Elevator Renovations-Buhl Public Library-Buhl; Repaint Control Building Exterior-Ironworld USA-Chisholm.

Stearns: Office Remodel-25 North Sixth Street-St. Cloud; New Reception Center-Sally-Port-St. Cloud.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,
Commissioner

Pollution Control Agency

Request for Comments on Planned Amendment to Rules Governing Hazardous Waste, *Minnesota Rules*, Chapters 7001 and 7045

Subject of Rules. The Minnesota Pollution Control Agency (MPCA) invites comments on its plan to amend its rules governing hazardous waste by adopting the federal universal waste rule (UWR). Universal wastes are hazardous wastes commonly generated throughout Minnesota, usually in relatively small amounts and at many locations. These wastes are difficult to fit under existing regulations governing generators of larger amounts of hazardous waste at fewer locations; still, these wastes can be important sources of pollution.

The UWR helps provide proper waste management while easing regulatory burdens regarding hazardous waste batteries, pesticides, and thermostats. The rule will reduce the amount of these wastes in the municipal solid waste stream and will improve collection opportunities for communities and businesses. Because the UWR reduces current requirements under the Resource Conservation and Recovery Act (RCRA), the U.S. Environmental Protection Agency (EPA) cannot require states to adopt it to maintain their authorized programs. However, the EPA is encouraging state adoption to improve management of these universal wastes.

The UWR relates to existing special waste pilot programs which Minnesota developed in anticipation of the UWR. The EPA allows states to tailor their UWR programs by adding non-federal universal wastes. The MPCA anticipates combining its special waste programs with the UWR. Included in Minnesota's current special waste programs are: regulated dry-cell batteries, antifreeze, circuit boards, cathode ray tubes, photographic negatives, PCB lamp ballasts, small PCB capacitors, liquid mercury, and mercury-containing products including lamps, thermostats, switches, thermometers, relays, manometers, barometers, thermocouples, and gauges. Current reduced requirements for managing these wastes include: no hazardous waste license; no license fees; no reporting; transport using an invoice; and transport using personal or business vehicles.

Persons Affected: In Minnesota, the amendment to the rules would likely affect all sizes of businesses which already handle these materials as hazardous waste. The rule will streamline requirements for notification, labeling, marking, prohibitions, accumulation time limits, employee training, response to release, off site shipments, tracking, exports, and transportation. It extends the accumulation time, allows common carrier transport, and eliminates the need for a manifest for the wastes described.

The amendment will support the creation of collection and manufacturer take-back programs. This may involve manufacturers and trade associations as well as the environmental industry. As collection systems are developed, this may create opportunities for communities to collect certain universal waste generated by households. While household wastes are not regulated by RCRA, and newer solid waste facilities are designed to manage household wastes, it is often preferable to collect and recycle these wastes when possible.

Statutory Authority. *Minnesota Statutes* § 116.07, powers and duties, subd. 4, rules and standards, allows the MPCA, pursuant to chapter 14, to "adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. In implementing its hazardous waste rules, the MPCA shall give high priority to providing planning and technical assistance to hazardous waste generators. The MPCA shall assist generators in investigating the availability and feasibility of both interim and long-term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage."

Minnesota Statutes § 14.06, required rules: "(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public. (b) Upon the request of any person, and as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases. This paragraph does not apply to the public utilities commission."

Public Comment. Interested persons or groups may submit comments or information on these planned rules until further notice is published in the *State Register* that the MPCA intends to adopt or to withdraw the rules.

Rules Drafts. The MPCA has not yet prepared a draft of the planned rule amendments and does not anticipate that this would be available before they are published as proposed rules. However, the rule will be based on the UWR, which was published in the May 11, 1995, *Federal Register* (and is now in the *Code of Federal Regulations* at 40 CFR, Part 273). It will also be developed with consideration for the MPCA's existing special wastes program for which prepared fact sheets are available.

MPCA Contact Person. Written or oral comments, questions, and requests for more information on these planned rules should be addressed to: Nathan Cooley, MPCA/HWD/PDS, 520 Lafayette Road, St. Paul, Minnesota 55155, or call (612) 297-7544 (voice), (612) 297-8676 (fax), or (612) 282-5332 (TTY).

Alternative Format. Upon request, this document can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the person listed above.

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Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The MPCA is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Peder A. Larson, Commissioner
Minnesota Pollution Control Agency

Public Employees Retirement Association

Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, August 14, 1997, at 9:30 a.m. in the offices of the association, 514 Saint Peter Street, Suite 200, Saint Paul, Minnesota.

Department of Public Safety

Request for Comments on Planned Amendment to Rules Governing Crime Victims Reparations Board Hearing Procedures, *Minnesota Rules*, Chapter 7505

Subject of Rules. The Minnesota Department of Public Safety requests comments on its planned amendment to rules governing hearing procedures. The Department is considering rule amendments that extend coverage for lost wages, but require that requests for payment be submitted within two years after the claim is filed; add coverage for counseling for grandparents and the spouse of a victim; increase the allowable number of counseling sessions for secondary victims from ten to twenty and give the Board authority to adjust the maximum rate of counseling annually; expand coverage to include expenses for transportation and lodging for parents of an injured victim; allow claimants to use up to \$1000 of their funeral benefit to pay for transportation for family members to attend the funeral; allow the Board to deny or reduce payment to service providers if they fail to provide information verifying services; give the Board authority to collect restitution and receive inmate wages; and delete obsolete language regarding treatment plans.

Persons Affected. The amendment to the rules would likely affect crime victims who apply for reparations for lost wages, counseling, funeral expenses, or transportation expenses. It would also affect service providers who would be required to provide information to verify services before they can receive payment from the Board.

Statutory Authority. *Minnesota Statutes*, section 611A.56, authorizes the Department to adopt rules including those to implement and administer "the methods of practice and procedure before the Board, prescribing the manner in which applications for reparations shall be made and providing for discovery proceedings..."

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Department has prepared a draft of the planned rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Val Jensen, Rules Coordinator, Department of Public Safety, 445 Minnesota Street, Ste. 1000, St. Paul, MN 55101-2156, 612-296-2906. TTY users may call the Department at 282-6555.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Dated: 30 July 1997

Donald E. Davis, Commissioner
Department of Public Safety

Department of Transportation

Petition of the City of Duluth for a Variance from State Aid requirements for SUBURBAN STANDARDS

NOTICE IS HEREBY GIVEN that the Duluth City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on a portion of Municipal State Aid Street

No. 113 (Skyline Parkway), approximately 0.615 km east of the junction of CSAH 91 (Haines Road), to approximately 0.650 km east of the junction of CSAH 91 (Haines Road) in Duluth, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9931, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 3.4 meter lane width, in lieu of the required 3.6 meter lane width; to allow a horizontal design speed of 30 km/h, in lieu of the required 50 km/h design speed; and to allow a 0.9 meter clear recovery area, in lieu of the required 3 meter recovery area with 4:1 or flatter slopes on the proposed reconstruction project on Municipal State Aid Street No. 113 (Skyline Parkway) in Duluth, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 30 July 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation and Department of Trade and Economic Development

Request for Comments on Planned Adoption of New Rules Governing the Transportation Revolving Loan Fund

Subject of Rules. The Minnesota Department of Transportation (Mn/DOT) and the Minnesota Department of Trade and Economic Development (DTED) request comments on the planned adoption of new rules governing the Transportation Revolving Loan Fund (TRLF). The TRLF is designed to provide a self-sustaining, growing pool of money to help cities, counties, and regions meet their unmet transportation funding needs. Its purpose is to attract new funding into transportation, encourage innovative approaches to transportation problems, and help build needed transportation infrastructure. The TRLF will be used to provide low interest loans and other types of financial assistance to borrowers for public transportation projects eligible for financing or aid under any federal act or program. Money in the TRLF may not be used for any toll facilities project or congestion pricing project. Borrowers eligible for TRLF financing include the state, counties, cities, and other governmental entities. Repayments on such loans and financing will be deposited back into the TRLF to be used for future loans and financing.

Mn/DOT and DTED will adopt rules governing the procedures that will be used for the administration of the TRLF and relating to the identification and certification of projects eligible for financial assistance under the program. The rules will address some or all of the following:

- types of projects eligible,
- evaluation of projects,
- prioritization of and screening criteria for projects,
- application and notification procedures and process,
- criteria, standards, and procedures for making loans,
- determining interest rates to be charged on loans,
- the amount of project financing to be provided,
- requirements for dedicated sources of revenue or income streams to ensure repayment of loans,
- the collateral that will be required, and
- length of repayment terms.

Persons Affected. The rules will likely affect all eligible borrowers including state agencies, counties, cities, and other governmental entities with projects eligible for federal-aid funding.

Statutory Authority. *Minnesota Statutes*, section 446A.085, subdivision 13 requires Mn/DOT to adopt rules to implement a program to identify, assist with the development of, and certify eligible TRLF projects. *Minnesota Statutes*, section 446A.085, subdivision 12 requires DTED to adopt rules to specifying the procedures that will be used for the administration of the TRLF, including the criteria, standards and procedures that will be used for making loans. *Minnesota Statutes*, section 446A.085, subdivision 14 states that Mn/DOT and DTED may adopt a single set of rules.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Departments intend to adopt or withdraw the rules. The Departments contemplate appointing an

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advisory committee on the planned rules which will consist of county engineers, city engineers, representatives from metropolitan planning organizations and regional development commissions, legislative staff, and others.

Rules Drafts. The Departments have not yet prepared a draft of the planned rules and do not anticipate that a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when they have been prepared, and requests for more information on these planned rules should be addressed to:

Debra Ledvina
Office of Investment Management
Minnesota Department of Transportation
211 Transportation Building, Mail Stop 440
395 John Ireland Boulevard
St. Paul, Minnesota 55115
Phone: (612) 282-2282
Fax: (612) 296-3019
e-mail: debra.ledvina@dot.state.mn.us

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note. Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt the rules is started. The Departments are required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 4 August 1997

James N. Denn, Commissioner
Department of Transportation
Jay Novak, Commissioner
Department of Trade and Economic Development

State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Administration

STAR Program

Notice of Availability of Technology-Related Assistance Grants

A System of Technology to Achieve Results (STAR) is offering Regional Assistive Technology Resources (RATR) grants. The STAR Program is accepting proposals from Minnesota-based non-profit or for-profit organizations who wish to establish or expand projects that provide technology-related assistance to unserved, underserved or under-represented people with disabilities. This includes minorities, persons with low incomes, and persons with limited English proficiency. Project examples include, but are not limited to, assistive technology (AT) equipment loan or AT recycling programs. A pool of \$50,000 is available, preference will go to projects serving greater Minnesota. Grants may be up to \$15,000 depending on the scope of the project. Proposals must be received by Friday, October 3, 1997, 4:30 PM in the format specified in the application packet. Previous winners of RATR or other STAR grants are not eligible. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at 612.296.8817, 612.296.9478 (TTY), 800.657.3862, 800.657.3895 (TTY). No FAX copies will be accepted. Questions should be directed to the Program Specialist at 612.296.9718.

Department of Administration

STAR Program

Notice of Availability of Community Action Networks (CAN) - Rural Delivery of Assistive Technology Services and Devices Grants

A System of Technology to Achieve Results (STAR) is offering grants to Minnesota based non-profit or for-profit organizations who wish to establish or expand projects that guarantee rural delivery of assistive technology (AT) services and devices to unserved, underserved or under-represented people with disabilities. This includes minorities, persons with low incomes, and persons with limited English proficiency. Each CAN should be comprised of a majority of individuals with disabilities and immediate family members of individuals with disabilities from your region. Such projects should include, but are not limited to, assessment, evaluation and consultation for mobility, seating, positioning, augmentative communication, environmental controls, as well as aids to provide sensory or cognitive access to assistive technology; provide training, and help develop advocacy skills with the goal of developing regional capacity to provide access to technology by individuals with disabilities. A pool of \$120,000 is available for regional grants of up to \$20,000 (based on "McKnight" regions 1-6). Projects must include \$6,600 for resource development activities that ensure the continued provision of AT services and devices in future years. Proposals must be received by Friday, October 3, 1997, 4:30 PM in the format specified in the application packet. Previous winners of RATR or other STAR grants **are eligible**. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at 612.296.8817, 612.296.9478 (TDD), 800.657.3862, 800.657.3895 (TDD). No FAX copies will be accepted. Questions should be directed to the Program Specialist at 612.296.9718.

State Grants and Loans

Minnesota Planning

Grants for Community-Based Planning Pilot Projects

As part of Minnesota's new Community-Based Planning Act, Minnesota Planning is accepting grant proposals from local governments to participate in community-based planning pilot projects. Counties and groups of local governments (consisting of at least one county or a county and one or more cities or townships within it) are eligible to apply. Three grants of about \$50,000 each will be awarded. The application deadline is September 30, 1997.

The Community-Based Planning Act — *Minnesota Laws 1997*, Chapter 202, Article 4 — creates a statewide framework for comprehensive planning. It provides grants for local units of government to develop community-based plans, encourages cooperative planning and provides for state review of local plans for consistency with 11 goals. Planning and technology grants beyond the pilot projects will be available beginning July 1998.

The goal of the pilot projects is to gain a better understanding of how to develop community-based plans, including public participation, coordination among governments, resolving disputes and costs of preparing plans. Successful applicants will commit to completing a community-based plan within 24 months of award of a grant. At a minimum, the community-based plan must:

- Address the 11 community-based planning goals and include strategies for how each of the goals will be achieved.
- Be the result of a broad public participation process, involving citizens, local governments and state agencies.
- Establish and address urban growth areas, where appropriate.
- Describe the official controls that will be used to implement the plan, as well as the timing of implementation.
- Be coordinated with jurisdictions within the project area and incorporate any community-based plans of those jurisdictions.

For further information, please contact Steve Reckers at (612) 296-2884 (e-mail: steve.reckers@mnplan.state.mn.us).

Department of Public Safety

Minnesota Auto Theft Prevention Program

Grant Availability for Reduction of Motor Vehicle Theft

The Minnesota Auto Theft Prevention Program Board announces the availability of grant money to be used in the reduction of motor vehicle theft by funding programs which aid in the identification of critical issues, education and awareness and investigation and prosecution. Applications will be accepted from State, County, Local Police, Governmental Agencies, Prosecutors, Judiciary, Businesses, and Community and Neighborhood Organizations. The moneys granted must be dedicated to the area of auto theft. This is the second round of auto theft grants. These grant proposals will be due by December 31, 1997. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155).

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Minnesota State Colleges and Universities

Notice of Amended Request for Proposals for Courier Service

The Minnesota State Colleges and Universities (MnSCU) is requesting proposals from qualified vendors to provide courier service to 56 locations throughout Minnesota from downtown St. Paul MnSCU System Office. Service to include 15 daily (round trip same day) and 41 next day delivery and pick-up of tubs or pouches. Contract will be awarded for one year with three optional annual extensions. Estimated cost not to exceed \$69,900 per year.

In accordance with the provisions of *Minnesota Statutes*, Section 363.073, for all contracts estimated to be in excess of \$100,000, all responders having more than 40 full time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be awarded. Your proposal will be rejected unless it includes one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance; or
3. A notarized letter certifying that your firm has not had more than 40 full-time employees at any time during the previous 12 months.

For further information contact:

Mary Fields
Minnesota State Colleges and Universities
Lower Level Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 282-2548

Proposals must be submitted to Mary Fields at the above address and must be received not later than 4:00 PM on August 11, 1997. Late proposals will not be accepted.

The Minnesota State Colleges and Universities reserve the right to reject any and all bids, or any part of any bid, and to waive minor defects or technicalities.

Department of Human Services

Mental Health Division

Request for Proposals for Providing Inpatient Hospital Psychiatric Services in the Moose Lake "Regional Treatment Center" Mental Health Catchment Area

The State is looking for interested parties to provide inpatient hospital psychiatric services to persons who have a serious and persistent mental illness in the former Moose Lake Regional Treatment Center Catchment Area.

To request a copy of the full RFP, please contact:

John Zakelj
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3828
(612) 296-4426

Please submit an original and four copies. The original must be signed, in ink, by an authorized member of the firm submitting the proposal. Please include the name and telephone number of a designated contact person.

Professional, Technical & Consulting Contracts

Questions may be directed to John Zakelj at 612/296-4426. John Zakelj is the only employee authorized to answer questions regarding the RFP.

It is anticipated that selection and notification of the contract award will occur by November 1, 1997.

This RFP does not obligate the State to accept a proposal or to complete the proposed project. The state reserves the right to cancel the solicitation if it is considered to be its best interest.

All proposals must be received by the State no later than 4 p.m., Friday September 26, 1997. Late proposals will not be accepted. Proposals should be addressed to:

John Zakelj
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3828

Public Employees Retirement Association

Request for Proposals (RFP) for Professional and Technical Services to Facilitate an Evaluation of Imaging and Workflow Solutions

Public Employees Retirement Association (PERA) is soliciting proposals from qualified consultants interested in providing professional and technical support services and expertise to facilitate an evaluation of imaging and workflow solutions. The purpose of the project is to determine how imaging and automated workflow can be best leveraged by PERA to achieve strategic objectives, to define the requirements for and implications of bringing those technologies into the organization, and to prepare a detailed project plan for implementing an imaging and workflow solution at PERA.

PERA is seeking a primary contractor to provide support services and expertise in the following areas:

- Project management coordination and leadership
- Imaging and workflow education
- Data collection and analysis
- Technology assessment and evaluation

Details are contained in a Request for Proposal which may be obtained by sending your name and address or calling:

Sally Kupferschmidt
Public Employees Retirement Association
514 St. Peter Street, Suite 200
St. Paul, MN 55102
Telephone (612) 296-7489
FAX (612) 297-2547
e-mail sally.kupferschmidt@state.mn.us (to ensure receipt, e-mail requests will be acknowledged)

The deadline for proposal submission is 4:00 p.m. on September 8, 1997.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Minnesota Historical Society

Notice of Request for Bids for Book Manufacturing

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide book manufacturing services for the book *TURNING THE FEATHER AROUND*, by Margo Galt. The Request for Bids is available by calling or writing Deane M. Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time, August 20, 1997.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

Minnesota Historical Society

Notice of Request for Bids for Miscellaneous Construction at the North West Company Fur Post in Pine City, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide the following:

- Parking Lot (approx. 40' x 300') and bituminous driveway construction;
- Storage Shed (24' x 24') Construction;
- Cement Sidewalk and Side of Parking lot
- Electrical Wiring for shed and installation of 4 street lights; and
- Site Preparation.

The estimated budget for this entire project is \$85,000. The Request for Bids is available by calling or writing Deane M. Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time, August 26, 1997. A pre-bid site review will be on August 20.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

Living at Home/Block Nurse Program Inc.

Request for Proposals (RFP) to Develop Living at Home/Block Nurse Programs

The Living at Home/Block Nurse Program Inc. is soliciting proposals from non-profit organizations and units of local government to develop and operate Living at Home/Block Nurse Programs. The 1997 Minnesota Legislature enacted legislation that provides state funds to assist up to 12 new communities throughout Minnesota. A total of \$240,000 per fiscal year is available for new community programs. The maximum individual program request is up to \$20,000 per fiscal year. The state appropriation is for the biennium July 1, 1997 - June 30, 1999. The funded program(s) will incorporate the basic community, organizational, and service delivery tenets of the Living at Home/Block Nurse Program. Funded programs will begin on or about January 1, 1998, and continue for a minimum of 18 months or until June 30, 1999.

Copies of the full Request for Proposal and other related materials are available by mail or pick-up from:

Non-State Public Bids, Contracts & Grants

Erin Stoehr, Executive Assistant
Living at Home/Block Nurse Program Inc.
Ivy League Place, Suite 322
475 Cleveland Ave. N.
St. Paul, MN 55104
(612) 649-0315 telephone / (612) 649-0318 fax

Proposals must be received in the LAH/BNP Inc. office by 4:00 p.m. or postmarked no later than Friday, October 10, 1997.

Metropolitan Council

Request for Proposal for Computerized Maintenance and Materials Information System (CMMIS)

The Metropolitan Council is soliciting request for proposals for a Computerized Maintenance and Materials Information System (CMMIS) to support plant and interceptor maintenance and materials functions at (10) ten operating facilities and (2) two business locations. The CMMIS selected will be client server architecture operating on a Sybase or Oracle relational database platform. The server platforms will be based on the UNIX/AIX operating system and client platforms will be Windows NT. The system should support Ethernet and Token ring environments, "off the shelf" industry standard reporting tools, and a fully normalized relational data model. System scalability is important.

Information packets can be obtained by calling (612) 602-1032 or by fax request to (612) 602-1083.

A pre-proposal information meeting will be held at the Metropolitan Council on August 22, 1997 at 9:00 A.M. in Room 2A. For more information, and to make reservations, please call 602-8725.

Proposals must be delivered to the offices of the Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota, 55101 **no later than Friday, September 12, 1997 at 4:00 P.M.**

The Metropolitan Council reserves the right to accept or reject any and all proposals and to waive any minor irregularities and deviations from requirements outlined in the specifications, and to solicit new proposals as deemed in their best interest.