

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts and Grants**

**Monday 12 August 2019
Volume 44, Number 7
Pages 123 - 220**

Minnesota State Register

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

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 44 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 8	Monday 19 August	Noon Tuesday 13 August	Noon Thursday 8 August
# 9	Monday 26 August	Noon Tuesday 20 August	Noon Thursday 15 August
# 10	Tuesday 3 September	Noon Tuesday 27 August	Noon Thursday 22 August
# 11	Monday 9 September	Noon Tuesday 3 September	Noon Thursday 29 August

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State Capitol, Room 231, St. Paul, MN 55155
<https://www.senate.mn/>

Minnesota State Court System

Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<http://www.mncourts.gov>

House Public Information Services

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State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
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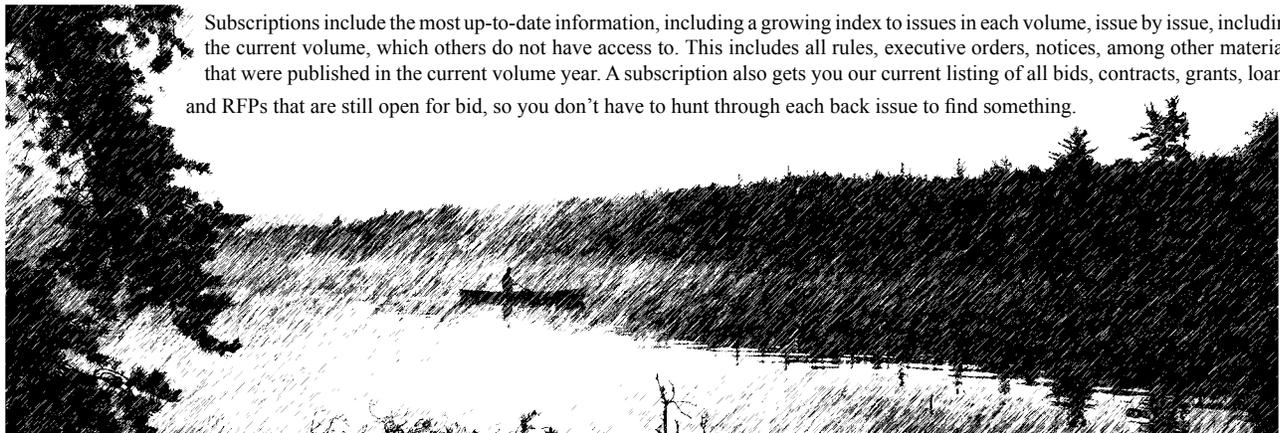
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Minnesota Rules: Amendments and Additions

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. 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, but 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.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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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 §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Acupuncture Program Accreditation; Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Amendment to Rule Governing Initial Acupuncture Registration Requirements, Minnesota Rules, 2500.3000, Subp. 2.

Introduction. The Minnesota Board of Chiropractic Examiners intends to adopt a rule without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.2300 and 1400.2310, and the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28. You may submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule until September 13, 2019.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to: Ron Arnold, MN Board of Chiropractic Examiners, 2829 University Ave. SE, Suite 300, 651-201-2849. You may submit e-mail comments, questions, or requests for a public hearing to: ronald.arnold@state.mn.us.

Subject of Rule and Statutory Authority. The proposed rule is about the initial Acupuncture Registration Requirements, MN Rules, 2500.3000, Subp. 2. The statutory authority to adopt this rule is Minnesota Statutes, section 148.08,

Proposed Rules

Subdivision 3. A copy of the proposed rule is published in the State Register and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on September 13, 2019, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency 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 a 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 13, 2019. 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 agency 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.

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

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 agency, and the adopted rule may not be substantially different than this proposed rule unless the procedure under part 1400.2110 has been followed. If the proposed rule affects you in any way, you are encouraged to participate in the rule making process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency 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. Other notices required by law or chosen to be inserted in this notice.

Adoption and Review of Rule. If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the 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 agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 07/25/2019

Ronald W. Arnold Health Program Rep.

2500.0100 DEFINITIONS.

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

Subp. 5b. **Good standing.** “Good standing” means any license which is not the subject of current disciplinary action as identified in Minnesota Statutes, section 148.10, subdivisions 1, 3, and 4. The pendency of a complaint shall not cause a license to lose good standing unless and until the complaint results in disciplinary action under Minnesota Statutes, section 148.10, or pursuant to a stipulation and order. A license shall be restored to good standing upon the satisfactory completion, expiration, or other agreed upon termination of all terms of a stipulation and order. An agreement for corrective action as described under Minnesota Statutes, section 214.103, subdivision 6, shall not cause a license to lose good standing.

[For text of subparts 6 to 12, see Minnesota Rules]

Proposed Rules

2500.3000 ACUPUNCTURE.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Qualifications and fees.** Prior to engaging in acupuncture, a licensed chiropractor must be registered with the board. Prior to initial registration, the chiropractor must complete an approved acupuncture program offered by an accredited school or the National Acupuncturists Association. Approved programs shall consist of no less than 100 hours of study; in the utilization of acupuncture, including no less than 15 classroom or hands-on practical application hours. Courses or seminars offered by accredited schools, the National Acupuncturists' Association, or separately approved by the board according to parts 2500.1200 to 2500.1600 shall be accepted by the board. The chiropractor must submit certification of completion of the approved course of study along with a \$100 registration fee. In addition, the applicant must have successfully completed either the National Board of Chiropractic Examiners Acupuncture Examination or the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Examination.

Doctors of chiropractic who are applying for licensure under the provisions of part 2500.0800 and who do not have proof of compliance with the requirements in the preceding paragraph, may satisfy the requirements by providing the board with an affidavit stating the following:

[For text of items A and B, see Minnesota Rules]

[For text of subparts 3 to 7, see Minnesota Rules]

Department of Labor and Industry

Construction Codes and Licensing Division

Proposed Amendment to Rules Governing the Adoption of the International Building Code; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04509

Proposed Amendment to Rules Governing the Adoption of the *International Building Code*, Minnesota Rules, Chapter 1305

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules **by 4:30 p.m. on September 18, 2019**, the Department will hold a public hearing in the Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at **9:30 a.m. on Thursday, October 17, 2019**. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 18, 2019, and before October 17, 2019.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota, 55155, phone (651) 284-5006, and email to dli.rules@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules are about the adoption of the 2018 International Building Code (IBC), with necessary amendments. The IBC is the primary commercial, industrial, and institutional code that provides minimum building requirements to safeguard the public health, safety, and general welfare. The proposed rules incorporate the chapters of the 2018 IBC that will apply and amends IBC provisions regarding the following topics: references to other International Code Council Codes; definitions; administration; care facility classifications and IBC classifications; Institutional Group I classifications; Residential Group R classifications; covered mall and open mall buildings; high rise buildings; motor vehicle-related occupancies; requirements for care suites in Group I-2 occupancies; requirements for windowless buildings in Group I-3 occupancies; standpipes for stages, platforms, and technical production areas; combustible storage; requirements Group I-1, R-1, R-2, R-3, and R-4 occupancies; storm shelters for critical

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emergency operations and Group E occupancies; requirements for Group E occupancies; enclosures over occupied roof areas; building height and number of stories; building area; horizontal building separation allowance; combustible materials in Type I and Type II construction; termination of fire barriers; requirements for smoke barriers; requirements for penetrations; ducts and air transfer openings; heavy timber used for wall and ceiling finishes; combustible decorative materials; fire alarm systems: requirements for automatic sprinkler systems; requirements for an approved audible and an approved visible alarm; alternative automatic fire-extinguishing systems; standpipe systems; fire alarm and detection systems, including required fire alarm shop drawings; smoke control systems; emergency voice/alarm communication systems; fire alarm system audibility levels; monitoring of fire alarm systems; smoke and heat removal; carbon monoxide detection; gas detection systems; mass notification systems; emergency responder radio coverage; post-fire exhaust systems; required number of exits and exit access doorways; accessible means of egress; means of egress doors, gates, and turnstiles; stairways for means of egress including alternating tread devices and ships ladders; requirements for guards; aisles and aisle accessways serving as part of the exit access; corridors, including fire-resistance rating and corridor continuity; penetrations through or into interior exit stairways and ramps; penetrations through or into exit passageways; requirements for rooms and spaces used for assembly purposes, including bleacher requirements; requirements for emergency escape and rescue in Group R occupancies; ventilation requirements; requirements for floors and wall bases in toilet rooms and bathrooms; performance requirements for exterior walls on Type I, II, III, or IV construction; installation of wall coverings for masonry; requirements for roof drainage; use limitations for rooftop structures; requirements for reroofing including drainage requirements; durability requirements for bonded reinforcing and pre-stressing steel; wall-bracing requirements for conventional light-frame construction; the application water-resistive barriers over wood-based sheathing; installation of emergency and standby power systems; the minimum number of required plumbing fixtures by occupancy; general requirements for elevators; requirements for elevator hoistway enclosures; emergency operations for elevators; requirements for solar energy systems; relocatable buildings; window cleaning anchors; and referenced standards. The proposed rules also repeal existing Minnesota Rules amending the IBC in connection with the following topics: replacement of IBC chapters; Institutional Group I-2 classifications; property lines between anchor buildings and covered mall buildings; requirements for unlimited area buildings; special provisions for multiple Group A uses; fire alarm systems for Group R-4 occupancies; power source for smoke alarms; monitoring of fire alarm systems; requirements for emergency alarm systems; exit and exit access doorways; exception permitting use of window opening control devices; requirements for replacement windows; access to unoccupied spaces; solar photovoltaic panels/modules; vertical impact force for crane loads; lateral force for top running powered bridge cranes; the basic components of the lateral bracing system for conventional light-frame construction; the use of foam plastic insulation in Type V construction; family or assisted-use toilet and bath fixtures; elevators and conveying systems; and requirements for existing structures.

The statutory authority to adopt the rules is in *Minnesota Statutes*, sections 326B.02, subdivision 5, 326B.101, and 326B.106, subdivision 1(a). A copy of the proposed rules is published on the Department's web site at: <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>. A free paper copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until **4:30 p.m. on Wednesday, September 18, 2019**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by **4:30 p.m. on Wednesday, September 18, 2019**. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Proposed Rules

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

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for October 17, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5006 after September 18, 2019, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Ann O'Reilly is assigned to conduct the hearing. Judge O'Reilly can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so by way of the Office of Administrative Hearings' Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. If it is not possible to use the eComments website, post-hearing comments may be submitted in person, via United States mail, or by facsimile addressed to Judge O'Reilly at the address or facsimile number listed in the section above.

All comments or responses received will be available for review at the Office of Administrative Hearings' eComments website and at the Minnesota Department of Labor and Industry or on the agency's website at: <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>.

This rule hearing procedure is governed by Minnesota Rules, parts 1400.2000 to 1400.2240, and Minnesota Statutes, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: July 31, 2019

Nancy J. Leppink, Commissioner
Department of Labor and Industry

Minnesota Pollution Control Agency (MPCA) Proposed Permanent Rules: Federal Performance and Other Air Quality Standards; Notice of Intent to Adopt Rules without a Public Hearing

Proposed Amendments to Rules Governing Air Quality, *Minnesota Rules*, Chapters 7005, 7007, 7011, 7017, and 7019; and Repeal of *Minnesota Rules*, parts 7005.0100, subparts 9a and 42b; 7011.1405, subpart 4; 7011.1410, subpart 4; 7011.3500, subparts 2 and 3; 7011.3510, subpart 1; 7011.7000, 7011.8170, 7011.9900, 7011.9921, subparts 3, 4a, 9, and 12; 7017.1010, subpart 3; 7017.2015, subpart 4; and 7019.0100, subpart 3; Revisor's ID Number 4452

Plain English Summary. This notice is the Minnesota Pollution Control Agency's (MPCA) legal notice of its intent to adopt amendments to its air quality rules. The purpose of these rules is to incorporate by reference 31 existing federal air standards into the state rules, provide an exemption from permitting for new residential hydronic heaters and forced-air furnaces, and remove a duplicate reporting requirement. The proposed rules will also make small housekeeping changes to correct or clarify existing air quality rules.

This notice provides an opportunity for the public to comment on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment or a written request for a hearing on the proposed rules by the deadline identified below. The Subject of Rules section provides additional information about the proposed rules. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Introduction. The MPCA intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and

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may submit a written request that MPCA hold a hearing on the proposed rules until **4:30 p.m. on Friday, September 27, 2019**.

Availability of Rules. The proposed rules are published in the *State Register* after this notice, and are available on the rulemaking website at <https://www.pca.state.mn.us/air/rulemaking-incorporation-reference>. One free copy of the proposed rules is also available upon request by contacting the MPCA contact person identified below.

Statement of Need and Reasonableness. The Statement of Need and Reasonableness (SONAR) provides the MPCA's justification for the proposed rules, including a description of who is expected to be affected and an estimate of the probable cost of the proposed rules. The SONAR is available at <https://www.pca.state.mn.us/air/rulemaking-incorporation-reference>. You may also request a copy from the MPCA contact person identified below for the cost of reproduction.

Subject of Rules. The MPCA proposes to amend several chapters of Minnesota's air quality rules. The proposed rules are needed to maintain an effective air pollution program in Minnesota by adopting federal air standards that are tailored to specific emissions and activities; to maintain a level of regulation that is protective of Minnesota's air quality and consistent with Minnesota's environmental priorities; and to ensure that the rules are clear, consistent, and current. The proposed rules will:

- Incorporate 31 existing federal air standards into the state's air quality rules. A list of these federal air standards with the corresponding Federal Register notice is available on the rulemaking website at <https://www.pca.state.mn.us/sites/default/files/aq-rule4-09a.pdf>.
- Exempt new residential hydronic heaters and forced air furnaces from permit requirements.
- Remove a requirement for duplicate reporting to the United States Environmental Protection Agency (EPA) by eliminating the need for permittees to provide annual compliance certifications to both the MPCA and EPA.
- Limit the incorporation of future amendments to seven federal New Source Performance Standards (NSPS)/National Emission Standards for Hazardous Air Pollutants (NESHAP)/Emission Guidelines by limiting the incorporation by reference to only those standards that are in effect as of July 1, 2018. (See discussion below regarding "Modification and Specific Topic Areas of Potential Change.")
- Correct and clarify existing rules. These changes correct inconsistencies in rule titles and how federal requirements are identified, update reference materials, and clarify confusing and obsolete language.
- Adopt a standard of performance for existing operating and closed landfills that requires monitoring and control of methane in landfill gases. The proposed rules incorporate recently updated federal standards of performance, which will then be used to modify Minnesota's current 111(d) plan for landfills, to address how the MPCA will implement and enforce the Emission Guidelines within the state. (Approval of Minnesota's current 111(d) plan is available at <https://www.govinfo.gov/content/pkg/FR-1998-07-27/pdf/98-19937.pdf>.)

Additional information about the proposed rules is available on the rulemaking website at <https://www.pca.state.mn.us/air/rulemaking-incorporation-reference>.

Modifications and Specific Topic Area of Potential Change. The MPCA may modify the proposed rules as a result of public comment received. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rules may not be substantially different than these proposed rules, unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. The MPCA welcomes comment on any part of the proposed rules; however, specifically invites comment and information on the following topic area of potential change.

The proposed rules limit the incorporation by reference of the following federal standards to the federal standards in effect as of July 1, 2018. The MPCA usually incorporates federal air quality standards "as amended" so that future federal amendments automatically become state rules. In the proposed rules, the MPCA intends to continue this practice by incorporating most of the proposed federal standards "as amended." However, for certain proposed standards, the MPCA is limiting the incorporation by reference of the following federal standards to only the standards that are in effect at this time.

- **40 CFR part 60, subpart QQQQ** - <https://www.law.cornell.edu/cfr/text/40/part-60/subpart-QQQQ> (NSPS for New Residential Hydronic Heaters and Forced-Air Furnaces), proposed at 7011.8230.
- **40 CFR part 60, subpart TTTT** - <https://www.law.cornell.edu/cfr/text/40/part-60/subpart-TTTT> (NSPS for

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Greenhouse Gas Emissions for Electric Generating Units), proposed at 7011.0562.

- **40 CFR part 60, subpart OOOO** - <https://www.law.cornell.edu/cfr/text/40/part-60/subpart-OOOO> (NSPS for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011 and on or before September 18, 2015).
- **40 CFR part 60, subpart OOOOa** - <https://www.law.cornell.edu/cfr/text/40/part-60/subpart-OOOOa> (NSPS for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015).
- **40 CFR part 60, subpart XXX** - <https://www.law.cornell.edu/cfr/text/40/part-60/subpart-XXX> (NSPS for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification after July 17, 2014).
- **40 CFR part 60, subpart AAA** - <https://www.epa.gov/residential-wood-heaters/final-new-source-performance-standards-residential-wood-heaters> (NSPS for New Residential Wood Heaters), previously incorporated at 7011.2950.
- **40 CFR part 63, subpart UUUUU** - <https://www.law.cornell.edu/cfr/text/40/part-63/subpart-UUUUU> (NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units), previously incorporated at 7011.0563, are being revised to limit the use of “as amended” so that only the federal standards in effect as of July 1, 2018, are incorporated by reference.

These seven federal standards that will not be incorporated “as amended” are either currently proposed for amendment by the EPA or are expected to be amended in the near future. Although the EPA has not yet finalized those amendments, the MPCA is concerned that automatically incorporating future amendments of these standards may reduce the level of environmental protection and may be in conflict with Minnesota’s priorities and environmental mission.

Depending on comments received, the MPCA may modify the proposed rules regarding the seven federal standards identified above to allow the incorporation by reference of future federal amendments or to identify a different effective date for incorporated amendments. The MPCA may also modify the proposed rules to limit the incorporation of future federal amendments to additional standards either being proposed in these rule amendments or already incorporated into the state rules.

Statutory Authority. *Minnesota Statutes*, section 116.07, subdivision 4 authorizes the MPCA to adopt rules for the prevention, abatement, and control of air pollution.

Public Comment. You have until **4:30 p.m. on Friday, September 27, 2019**, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the deadline. Submit written comments to the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>. If it is not possible to use the eComments website, comments may be submitted in person, via United States mail, or by facsimile addressed to Administrative Law Judge Jessica Palmer-Denig at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620 or at 651-539-0310 (fax). Any questions about submitting comments via the eComments website should be directed to Ian Lewenstein, Office of Administrative Hearings; telephone 651-361-7857 and Ian.Lewenstein@state.mn.us. All comments received are public and will be available for review at the Office of Administrative Hearings, and on the rulemaking website at <https://www.pca.state.mn.us/air/rulemaking-incorporation-reference>.

Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You must make any comments that you have about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a hearing on the proposed rules. You have until **4:30 p.m. on Friday, September 27, 2019**, to submit your written request for a hearing to the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>. If it is not possible to use the eComments website, comments may be submitted in person, via United States mail, or by facsimile addressed to Administrative Law Judge Jessica Palmer-Denig at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620 or at 651-539-0310 (fax). Your written request for a public hearing must include your name and postal address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request

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that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the MPCA will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for 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*, sections 14.131 to 14.20. The MPCA reserves the option to remove any section of the rule that may be controversial and to proceed without a hearing on the noncontroversial parts of the proposed rules.

MPCA Contact Person. The MPCA contact person is Mary H. Lynn at the MPCA, 520 Lafayette Road North, Saint Paul, MN 55155-4194; telephone 651-757-2439; and mary.lynn@state.mn.us. You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

Alternative Format/Accommodation. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request please contact the MPCA contact person at the address or telephone number identified above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at 190 Centennial Building, 658 Cedar Street, Saint Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The MPCA will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the MPCA submits the rules to the Office of Administrative Hearings. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your written request to the MPCA contact person identified above.

Date: July 24, 2019

Laura Bishop, Commissioner
Minnesota Pollution Control Agency

7005.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~As used in the state air pollution control rules chapters 7007, 7008, 7009, 7011, 7017, 7019, 7025, 7027, and 7030 and parts 7023.0100 to 7023.0120, the following terms in this part have the meanings given them except as expressly provided in a specific rule.~~

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

Subp. 1b. Administrator. ~~“Administrator” means the administrator of the United States Environmental Protection Agency or the administrator’s designee.~~

Subp. 2. Agency. ~~“Agency” means the Minnesota Pollution Control Agency as constituted under Minnesota Statutes, section 116.02, subdivision 1. The commissioner is the designee of the agency.~~

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

Subp. 3. Alternative method. ~~“Alternative method” means a method of sampling and analyzing for an air pollutant which that is not a reference or equivalent method but which that has been demonstrated to the commissioner’s satisfaction to, in specific cases, produce results adequate for its determination of compliance.~~

Subp. 3a. Begin actual construction. ~~“Begin actual construction” means, in general, initiation of permanent, physical, on-site construction, reconstruction, or modification activities on an emissions unit which are of a permanent nature. Such Activities include, but are not limited to, installation of installing building~~

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supports and foundations, laying of underground pipework, and ~~construction of~~ constructing permanent storage structures. Such Activities do not include site clearing and grading or entering into binding agreements or contractual obligations. ~~With respect to~~ Regarding a change in method of operating, this term refers to those on-site activities, other than preparatory activities, ~~which that~~ mark the initiation of the change. Owners or operators that undertake these activities ~~prior to~~ before obtaining any required permits do so at their own risk; a permit may not be issued or may not contain the terms the applicant desires.

[For text of subparts 3b to 4b, see Minnesota Rules]

Subp. 4c. **Cementitious material.** “Cementitious material” means a powdered substance ~~which that~~ consists of any combination of the following:

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

Subp. 4d. **Concrete.** “Concrete” means a material ~~consisting that consists~~ of a coarse and fine aggregate bound by a paste of cementitious material and water, with admixtures added to achieve various properties, ~~which then and that~~ sets into a hard and rigid substance.

[For text of subparts 4e to 4g, see Minnesota Rules]

Subp. 5. **Construction.** “Construction” means ~~fabrication, erection, or installation of~~ fabricating, erecting, or installing an emission facility, emissions unit, or stationary source. Construction also includes ~~excavation~~ excavating, blasting, removing rock and soil, ~~and/or and~~ backfilling unless the ~~administrator deems~~ commissioner determines ~~that these activities to be~~ are of minimal cost, do not significantly alter the site, and are not permanent in nature. Construction does not include site clearing or grading.

[For text of subparts 6 to 7a, see Minnesota Rules]

Subp. 8. **Control equipment.** “Control equipment” means an “air contaminant treatment facility” or a “treatment facility” as ~~those terms are defined~~ in Minnesota Statutes, section 116.06, subdivision 3.

[For text of subparts 8a and 9, see Minnesota Rules]

Subp. 9a. [See repealer.]

[For text of subparts 9b to 10d, see Minnesota Rules]

Subp. 10e. **Environmental Protection Agency or EPA.** “Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency.

Subp. 11. **Equivalent method.** “Equivalent method” means a method of sampling and analyzing for an air pollutant ~~which when the method~~ has been demonstrated to the commissioner’s satisfaction to have, under specified conditions, a consistent and quantitatively known relationship to the reference methods in Code of Federal Regulations, title 40, part 60, appendix A, as amended; part 61, appendix B, as amended; and part 51, appendix M, as amended.

Subp. 11a. **Existing facility.** “Existing facility” means an emission facility at which construction, modification, or reconstruction ~~was commenced~~ began before the effective date of the applicable ~~new source performance standard or the~~ applicable state air pollution control rule.

Subp. 11b. **Federally enforceable.** “Federally enforceable” means enforceable by the administrator of the United States Environmental Protection Agency. Federally enforceable limitations, conditions, and requirements include requirements in or developed ~~pursuant~~ according to Code of Federal Regulations, title 40, parts 60 ~~and~~ 61, ~~and~~ 63, requirements within any applicable state implementation plan, and any permit requirements established according to Code of Federal Regulations, title 40, section 51.166 or 52.21, or Code of Federal Regulations, title 40, part 51, subpart I.

[For text of subparts 11c to 23b, see Minnesota Rules]

Subp. 24. **Minneapolis-Saint Paul Air Quality Control Region.** “Minneapolis-Saint Paul Air Quality Control Region” means the area encompassed by the boundaries of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. See Code of Federal Regulations, title 40, part 81.27 (1982).

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[For text of subparts 24a and 25, see Minnesota Rules]

Subp. 25a. **National emission standard for hazardous air pollutants.** “National emission standard for hazardous air pollutants” means a standard ~~promulgated~~ adopted by the administrator of the United States Environmental Protection Agency under the Clean Air Act, United States Code, title 42, section 7412, as amended, including standards still in effect pursuant according to the savings clause that was enacted by the 1990 Clean Air Act amendments and codified at United States Code, title 42, section 7412(q).

Subp. 25b. **New facility.** “New facility” means an emission facility on which construction, modification, or reconstruction was ~~commenced~~ began after the effective date of the applicable ~~new source performance standard or the applicable~~ state air pollution control rule.

Subp. 26. **New source performance standard.** “New source performance standard” means a standard of performance ~~promulgated~~ adopted by the administrator of the United States Environmental Protection Agency under the Clean Air Act, United States Code, title 42, section 7411, as amended.

[For text of subpart 27, see Minnesota Rules]

Subp. 28. **One-hour period.** “One-hour period” means any 60-minute period ~~commencing~~ beginning on the hour.

[For text of subparts 29 to 30b, see Minnesota Rules]

Subp. 31. **Particulate matter.** “Particulate matter” means material, except water, ~~which~~ that exists at standard conditions in a finely divided form as a liquid or solid as measured by an applicable reference method, or an equivalent or alternative method.

[For text of subparts 31a to 34, see Minnesota Rules]

Subp. 35. **Person.** “Person” ~~means person as defined~~ has the meaning given in Minnesota Statutes, section 116.06, subdivision 17.

[For text of subparts 35a to 36, see Minnesota Rules]

Subp. 36a. **Secondary emissions.** “Secondary emissions” means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any ~~offsite~~ off-site support facility ~~which~~ that would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel in transit.

In calculating the net increase in emissions from a particular physical change or change in the method of operation, secondary emissions must not be included unless they are specific, well defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions.

[For text of subparts 37 to 41, see Minnesota Rules]

Subp. 42. **Standard of performance.** “Standard of performance” means a restriction on the amount of air pollutants ~~which~~ that may be emitted by an emission facility.

[For text of subpart 42a, see Minnesota Rules]

Subp. 42b. [See repealer.]

Subp. 42c. **Stationary source.** “Stationary source” means an assemblage of all emissions units and emission facilities that belong to the same industrial grouping, are located at one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Emissions units or emission facilities must be considered as part of the same industrial grouping if they belong to the same “major group” ~~(that is, which have the same two-digit code)~~ as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (United States Government Printing Office Stock Numbers 4101 to 0066 and 003-005-00176-0,

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respectively) incorporated by reference under part 7045.0065.

[For text of subparts 43 and 44, see Minnesota Rules]

Subp. 45. **Volatile organic compound or VOC.** “Volatile organic compound “ or “VOC” means any organic compound ~~which~~ that participates in atmospheric photochemical reactions. This includes any organic compound other than the following compounds:

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

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

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

[For text of item A, see Minnesota Rules]

B. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be covered by a permit solely because it is subject to one or more of the following new source performance standards:

[For text of subitems (1) to (4), see Minnesota Rules]

(5) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (incorporated by reference at part 7011.2305), if all engines subject to this standard at the stationary source each have a displacement less than 30 liters per cylinder and did not rely on performance testing of the affected unit to demonstrate compliance with the standard; ~~and~~

(6) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (incorporated by reference at part 7011.2310), if all engines did not rely on performance testing of the affected unit to demonstrate compliance with the standard; and

(7) Code of Federal Regulations, title 40, part 60, subpart QQQQ, Standards of Performance for New Residential Hydronic Heaters and Forced Air Furnaces (incorporated by reference at part 7011.2960);

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

Subp. 2. [Repealed, 21 SR 165]

7007.0800 PERMIT CONTENT.

Subpart 1. **Scope.** The ~~agency shall~~ commissioner must include the permit conditions specified in this part in all permits, except where the requirement states that it applies only to part 70 permits or only to state permits. The permit ~~shall~~ must specify and reference the origin of and the authority for each term or condition; and ~~shall~~ identify any difference in form from the requirement giving rise to the condition. Nothing in this part ~~shall be read to limit limits~~ the ~~agency's~~ commissioner's authority to put additional or ~~more stringent~~ more-stringent terms in a permit, to conduct inspections, or to request information.

Subp. 2. **Emission limitations and standards.** The permit must:

[For text of items A and B, see Minnesota Rules]

C. state that, where another applicable requirement of the act is more stringent than any applicable requirement of regulations ~~promulgated~~ adopted under Title IV of the act (Acid Deposition Control), both provisions ~~shall be~~ are incorporated into the permit and ~~shall be~~ are enforceable by the administrator; and

[For text of item D, see Minnesota Rules]

Subp. 3. **Emissions units covered by permit.** The permit ~~shall~~ must cover any emissions unit within the stationary source for which there is an applicable requirement, and any unit ~~which~~ that the ~~agency~~ commissioner believes should be covered ~~in order~~ to protect human health and the environment. However, if a stationary source is not a major source and the sole reason it is required to have a permit is because it is subject to federal standards described under

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part 7007.0250, subpart 2, then the permit ~~shall~~must only cover emissions units regulated by those federal standards. The permit ~~shall~~must include applicable requirements for fugitive emissions in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in part 7007.0200, subpart 2.

Subp. 4. **Monitoring.** The ~~agency shall~~commissioner must include the ~~following~~ monitoring requirements in this subpart in all permits:

A. The permit ~~shall~~must require the permittee to comply with all emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods ~~promulgated pursuant to~~adopted under section 114(a)(3) or 504(b) of the act.

B. For part 70 permits, where the applicable requirements do not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), the permit ~~shall~~must require the permittee to conduct periodic monitoring sufficient to determine whether the stationary source is in compliance with applicable requirements. The monitoring requirements ~~shall~~must be designed to yield reliable data from the relevant ~~time~~ period that are representative of the stationary source's operation; and ~~shall~~must require the permittee to use terms, test methods, units, averaging periods, and other statistical conventions that are consistent with the emissions limitations and standards contained in the permit; and with other applicable requirements. ~~Record-keeping~~Record-keeping provisions may be sufficient to meet the requirements of this item.

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

[For text of subitems (1) to (3), see Minnesota Rules]

D. As necessary, the permit ~~shall~~must require the permittee to install, use, and maintain monitoring equipment or use monitoring methods.

Subp. 5. **Record keeping.** The permit ~~shall~~must incorporate all applicable requirements related to record keeping and require the permittee to maintain adequate records, including at least the following:

A. a requirement that the permittee maintain records adequate to document compliance at the stationary source, including at a minimum:

[For text of subitems (1) to (4), see Minnesota Rules]

(5) the results of ~~such the~~ analyses; and

(6) the operating conditions existing at the time of sampling or measurement;

B. a requirement that the permittee maintain records describing any modification made at the stationary source under parts 7007.1250 and 7007.1350, as required by those provisions, but not otherwise regulated under the permit, and the emissions resulting from those changes;

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 recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Records ~~shall~~must be kept at the stationary source unless the permit allows otherwise; and

D. a requirement that the permittee retain copies of deviation reports required by subpart 6 for ~~a period of~~ five years, or longer if requested by the commissioner, from the date of ~~submission~~submittal of the report is submitted to

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the agency commissioner.

Subp. 6. Reporting.

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

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

(1) For deviations that endanger human health or the environment, the permit shall must require the permittee to notify the commissioner as required in part 7019.1000, subpart 1.

(2) For all other deviations, the permit shall must require the permittee to submit a deviation report, on a form approved by the commissioner, at least semiannually. The report is due whether or not a deviation occurred during the reporting period. The midyear deviations report, covering deviations ~~which that~~ which that 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 that~~ which that occurred ~~during the period~~ from July 1 to December 31, is due by January 30 of each year.

~~B.~~ C. All part 70 permits shall must require the permittee to submit progress reports at least every six months for any stationary source required to have a compliance schedule under part 7007.0500, subpart 2, item K, subitem (5). ~~Such~~ The progress reports shall must contain the deadlines for achieving the activities, milestones, or compliance required in the compliance schedule and dates when ~~such the~~ such the activities, milestones, or compliance were actually achieved. If any deadlines in the schedule of compliance were not or will not be met, the report shall must note that, explain why, and include any preventive or corrective measures that have been or will be adopted as a result.

~~C.~~ D. The permit shall must require ~~submittal of~~ submitting 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 must be on a form approved by the commissioner and shall must contain 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
- (7) additional requirements as may be specified ~~pursuant to~~ under sections 114(a)(3) and 504(b) of the act.

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

(1)

- (a) a monitoring protocol approved for the source ~~pursuant~~ according to Code of Federal Regulations, title

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40, part 64, as amended; and

(2)

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

~~D. All progress reports and compliance documents described in this subpart are available for public inspection and copying at the agency upon request, subject to the provisions of part 7000.1200 and Minnesota Statutes, chapter 13, and section 116.075.~~

~~E. F. For deviations caused by emergencies, as defined in part 7007.1850, the permittee may assert an affirmative defense only if it meets all the requirements of part 7007.1850, which includes notifying the agency within two working days of when the emission limitations were exceeded due to the emergency.~~

Subp. 7. **Prohibition on exceedance of Stationary sources with allowances.**

~~A. For affected sources, the agency shall~~ commissioner must include a permit condition prohibiting emissions exceeding any allowances that the owners and operators of a stationary source lawfully hold under Title IV of the act or the regulations ~~promulgated~~ adopted thereunder, except as follows: provided in items B to D.

~~A. B. No permit amendment shall be~~ is required for increases in emissions that are authorized by allowances acquired ~~pursuant to~~ under the acid rain program, provided that ~~such~~ the increases do not require a permit amendment under any other applicable requirement.

~~B. C. There is no limit shall be~~ placed on the number of allowances held by the owners and operators of a stationary source. The owners and operators of a stationary source ~~may~~ must not, however, use allowances as a defense to noncompliance with any other applicable requirement.

~~C. D. Any such lawfully held allowance shall~~ must be accounted for according to the procedures established in Code of Federal Regulations, title 40, part 73, as amended.

Subp. 8. **Fee requirement.** The permit ~~shall~~ must require payment of annual fees by owners or operators of a stationary source required to pay annual fees due under part 7002.0025.

Subp. 9. **Additional compliance requirements.** All permits ~~shall~~ must contain the following elements with respect to compliance:

A. inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee ~~shall~~ must allow the agency commissioner, or ~~an~~ the commissioner's authorized representative or agent of the agency, to perform the following:

[For text of subitems (1) to (3), see Minnesota Rules]

(4) sample or monitor any substances or parameters at any location:

(a) at reasonable times, ~~for the purposes of assuring to ensure~~ compliance with the permit or applicable requirements; or

(b) as otherwise authorized by the act or state law;

[For text of item B, see Minnesota Rules]

C. provisions establishing the permit shield described in part 7007.1800.

Nothing in this subpart ~~shall be read to limit the agency's~~ limits the commissioner's authority under Minnesota Statutes, section 116.091, and section 114 of the act (Record keeping, Inspections, Monitoring, and Entry), or other law.

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Subp. 10. Emissions trading.

A. If requested by a permit applicant, the ~~agency shall~~ commissioner must include provisions allowing the permittee to trade emissions increases and decreases that occur within the permitted facility. No Title I modification may be made using this provision, and the trade may not result in the exceedance of any facility-wide emission limit in the permit. The ~~agency shall~~ commissioner must make ~~such~~ trading available to the permittee only if ~~it~~ the commissioner determines that ~~all of the following are true:~~

[For text of subitem (1), see Minnesota Rules]

(2) the stationary source's total emissions can be limited equally well, and compliance with applicable requirements may still be ~~assured~~ ensured, by allowing the proposed trading scenario; and

[For text of subitem (3), see Minnesota Rules]

B. The permit ~~shall~~ must require the permittee to provide the ~~agency~~ commissioner in writing at least seven working days before making the emissions trade the written notification described in this item. The notice ~~shall~~ must:

(1) state when the trade will be made ~~and~~;

(2) describe the change in emissions that will result. ~~The notice shall also, and~~

(3) describe how these increases and decreases in emissions will comply with the terms and conditions of the permit.

The permittee and the ~~agency shall~~ commissioner must each append the notice to ~~its~~ their copy of the stationary source's permit.

Subp. 11. **Alternative operating scenarios.** ~~The commissioner must include in the permit terms and conditions allowing for reasonably anticipated alternative operating scenarios identified by the stationary source in its application. Such~~ The terms and conditions shall must:

[For text of item A, see Minnesota Rules]

B. ensure that the operation under each ~~such~~ alternative operating scenario complies with all applicable requirements and the requirements of parts 7007.0100 to 7007.1850.

Subp. 12. **Operation in more than one location.** If requested by the applicant, the permit may allow a stationary source to be operated in more than one location during the course of the permit. No affected source ~~shall be~~ is allowed this option. If more than one location is authorized, the permit ~~shall~~ must include the following:

[For text of item A, see Minnesota Rules]

B. conditions that will ~~assure~~ ensure compliance with all applicable requirements at all authorized locations;

C. requirements that the owner or operator notify the ~~agency~~ commissioner at least ten days in advance of each change in location, providing the exact location where the source will operate for all part 70 permits and at least 48 hours in advance of each change in location for all other state permits; and

D. conditions that ~~assure~~ ensure compliance with all other provisions of parts 7007.0100 to 7007.1850.

Subp. 13. **Permit duration.** Each permit ~~shall~~ must specify the duration of the permit; or state that the permit is nonexpiring.

Subp. 14. **Operation of control equipment.** If the commissioner determines that ~~such~~ the provisions would substantially improve the likelihood of future permit compliance, the permit may specify operating and maintenance requirements for each piece of control equipment located at the stationary source or require the permittee to maintain an

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operation and maintenance plan on site.

Subp. 15. **Terms to include in reissuance.** The permit ~~shall~~ must indicate the terms that must be included in any reissuance of the permit under part 7007.0450, subpart 3.

Subp. 16. **General conditions.** ~~Permits A permit~~ issued by the agency commissioner under parts 7007.0100 to 7007.1850 ~~shall~~ must include the ~~following~~ general conditions in items A to O, either expressly or by reference to this subpart.

[For text of item A, see Minnesota Rules]

B. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the state law and, if the provision is federally enforceable, of the act. ~~Such~~ Violation is grounds for:

- ~~(1)~~ (1) enforcement action by the agency commissioner or the EPA; ~~or for~~
- ~~(2)~~ (2) permit termination, revocation and reissuance, or amendment; ~~or for~~
- ~~(3)~~ (3) denial of a permit reissuance application.

C. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity ~~in order~~ to maintain compliance with the conditions of this permit.

D. This permit may be reopened and amended or revoked for cause as provided in parts 7007.1600 to 7007.1700. The filing of a request by the permittee for a permit amendment, revocation and reissuance, or termination; or filing of a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in part 7007.1450, subpart 7.

E. This permit does not convey any property rights of any sort; or any exclusive privilege.

F. The permittee ~~shall~~ must furnish to the agency commissioner, within a reasonable time, any information that the agency commissioner may request in writing to determine whether cause exists for reopening and amending or revoking the permit or to determine compliance with the permit. Upon request, the permittee ~~shall~~ must also furnish to the agency commissioner copies of records required to be kept by the permittee.

G. The agency's commissioner's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit or as specifically provided in the permit shield provision and part 7007.1800.

H. The agency's commissioner's issuance of a permit does not prevent the future adoption by the agency commissioner of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

I. The agency's commissioner's issuance of a permit does not obligate the agency commissioner to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

J. The permittee ~~shall~~ must at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them ~~which that~~ are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

K. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the ~~agency or to the~~ commissioner by the permit. The permittee ~~shall~~ must immediately upon discovery report to the commissioner an error or omission in these records,

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reports, plans, or other documents. The permittee may not falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained or followed by the permit.

L. The permittee ~~shall~~ must, when requested by the commissioner, submit within a reasonable time any information and reports that are relevant to pollution or the activities authorized under ~~this~~ the permit.

M. If the permittee discovers, through any means, including notification by the ~~agency~~ commissioner, that noncompliance with a condition of the permit has occurred, the permittee ~~shall~~ must immediately take all reasonable steps to minimize the adverse impact on human health or the environment resulting from the noncompliance.

[For text of item N, see Minnesota Rules]

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and ~~agency~~ commissioner assume no responsibility for damages to persons, property, or the environment caused by the activities of the permittee in the conduct of ~~its~~ the ~~permittee's~~ actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and ~~agency~~ commissioner may be liable for the activities of ~~its employees, that state employees,~~ the liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

7011.0050 GENERAL PROVISIONS OF FEDERAL ~~NEW SOURCE PERFORMANCE STANDARDS~~ INCORPORATED BY REFERENCE.

Subpart 1. **General.** For purposes of interpreting, applying, and enforcing ~~new source performance standards~~ federal regulations that are incorporated by reference into this chapter:

A. Code of Federal Regulations, title 40, sections 60.1, 60.2, 60.3, 60.5, 60.6, 60.12, 60.14, 60.15, 60.17, and 60.18, as amended, are ~~adopted and~~ incorporated by reference;

B. Code of Federal Regulations, title 40, sections 63.1, 63.2, 63.3, 63.4, 63.5, 63.6, 63.11, and 63.14, as amended, are incorporated by reference; and

C. Code of Federal Regulations, title 40, sections 61.02, 61.03, 61.05, 61.06, 61.07, 61.08, 61.12, 61.15, 61.18, and 61.19, as amended, are incorporated by reference, except that the authorities identified in Code of Federal Regulations, title 40, section 61.12(d)(1), are not delegated to the commissioner and are retained by the administrator.

Subp. 2. **Required information.** All requests, reports, applications, submittals, and other communications to the administrator ~~pursuant to new source performance standards~~ that are incorporated by reference into this chapter must be submitted to the commissioner unless otherwise specified in Code of Federal Regulations or state rule.

Subp. 3. **Authorities.** References to the administrator in the incorporated federal regulations refer to the commissioner, except when authorities are specifically identified in Code of Federal Regulations or state rule as nondelegable.

7011.0540 DERATE.

The owner or operator of indirect heating equipment who elects to achieve compliance with an applicable standard of performance by derating ~~shall~~ must:

A. advise the commissioner ~~of the agency~~ in writing of the intent to achieve compliance by derating and the capacity level at which the owner or operator intends to operate this equipment;

B. agree to a permit condition in the required operating permit that prohibits ~~operation of~~ operating the equipment ~~in excess of~~ over the derate level;

C. install a boiler steam flow meter to continuously record, indicate, and integrate boiler steam flow,

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and shall must:

(1) submit a written report to the commissioner of the agency within ten days of any excess steam flow occurrence above the specified derate load;

[For text of subitem (2), see Minnesota Rules]

(3) submit written yearly reports to the commissioner of the agency confirming that no excesses have occurred during normal operations; and

(4) retain and make available for inspection by the agency commissioner or its the commissioner's authorized employees or agents steam flow charts for a minimum period of two years following after the date of measurement; and

D. submit an effective method of physical limitation of boiler load ~~shall be submitted~~ for approval by the commissioner of the agency prior to before authorization of a boiler derate. Such The limitation may include ~~but is not limited to~~; a tieback signal from the steam flow meter to the combustion control system cutting back fuel input at the derate load, a maximum limit stop on the fuel input control drive or valve, or ~~such~~ other equivalent physical means.

7011.0553 INCORPORATION BY REFERENCE; NITROGEN OXIDES EMISSION REDUCTION REQUIREMENTS FOR AFFECTED SOURCES.

Affected sources, as defined in part 7007.0100, subpart 4, shall must comply with Code of Federal Regulations, title 40, part 76, as amended, entitled "Acid Rain Nitrogen Oxides Emission Reduction Program," which is ~~adopted~~ and incorporated by reference.

7011.0555 ~~INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARD BY REFERENCE STANDARDS; FOSSIL-FUEL-FIRED STEAM GENERATORS.~~

Code of Federal Regulations, title 40, part 60, subpart D, as amended, entitled "Standards of Performance for Fossil-Fuel-Fired Steam Generators ~~for Which Construction is Commenced After August 17, 1971,~~" is ~~adopted~~ and incorporated by reference.

7011.0560 ~~INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARD BY REFERENCE STANDARDS; ELECTRIC UTILITY STEAM GENERATING UNITS.~~

Code of Federal Regulations, title 40, part 60, subpart Da, as amended, entitled "Standards of Performance for Electric Utility Steam Generating Units ~~for Which Construction is Commenced After September 18, 1978,~~" is ~~adopted~~ and incorporated by reference, except that ~~decisions made by the administrator under the authorities identified in~~ Code of Federal Regulations, title 40, section ~~60.45a~~ 60.45Da, are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

7011.0561 CONTROL OF MERCURY FROM ELECTRIC GENERATING UNITS.

[For text of subparts 1 to 9, see Minnesota Rules]

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

A. The Annual Book of American Society for Testing and Materials International (ASTM) methods D2234/D2234M (Standard Practice for Collection of a Gross Sample of Coal), D2013/D2013M (Standard Practice for Preparing Coal Samples for Analysis), D5865 (Standard Test Method for Gross Calorific Value of Coal and Coke), D3173 (Standard Test Method for Moisture in the Analysis Sample of Coal and Coke), and D6722 (Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Direct Combustion Analysis). These methods are published in the Annual Book of ASTM Standards, Volume 05.06, Gaseous Fuels; Coal and Coke, ~~2012 edition; Catalysts; Bioenergy and Industrial Chemicals from Biomass (2017).~~ These documents are available through the Minitex interlibrary loan system.; and

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B. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA SW-846, Third Edition, November 1986, issued by the United States Environmental Protection Agency (EPA): Method 7471 Mercury in Solid or Semisolid Waste (Manual Cold Vapor Technique). The document is available electronically from the Environmental Protection Agency and through the Minitex interlibrary loan system at <https://www.epa.gov/hw-sw846/sw-846-compendium>.

7011.0562 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS; GREENHOUSE GAS EMISSIONS FOR ELECTRIC GENERATING UNITS.

Code of Federal Regulations, title 40, part 60, subpart TTTT, as amended through July 1, 2018, entitled “Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units” is incorporated by reference.

7011.0563 INCORPORATION OF BY REFERENCE; EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FROM COAL- AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATORS.

Code of Federal Regulations, title 40, part 63, subpart UUUUU, as amended through July 1, 2018, entitled “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units,” is incorporated by reference, except that the authorities identified in Code of Federal Regulations, section 63.10041(b), are not delegated to the commissioner and are retained by the administrator.

7011.0565 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARD BY REFERENCE STANDARDS; STEAM GENERATING UNITS.

Code of Federal Regulations, title 40, part 60, subpart Db, as amended, entitled “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 60.44b(f), 60.44b(g), and 60.49b(a)(4), are not delegated to the commissioner and must be made by the administrator.

7011.0570 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARD BY REFERENCE STANDARDS; SMALL STEAM GENERATING UNITS.

Code of Federal Regulations, title 40, part 60, subpart Dc, as amended, entitled “Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.48c(a)(4), are not delegated to the commissioner and must be made by the administrator.

7011.0830 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARD BY REFERENCE STANDARDS; PORTLAND CEMENT PLANTS.

Code of Federal Regulations, title 40, part 60, subpart F, as amended, entitled “Standards of Performance for Portland Cement Plants,” is adopted and incorporated by reference.

7011.0865 INCORPORATIONS BY REFERENCE; DOCUMENTS.

[For text of item A, see Minnesota Rules]

B. California Environmental Protection Agency, Air Resources Board, Vapor Recovery Certification Procedure CP-201, Certification Procedure for Vapor Recovery Systems of at Dispensing Facilities, February 1, 2001 April 23, 2015. This publication is available through the Minitex interlibrary loan system at <https://ww2.arb.ca.gov/our-work/programs/vapor-recovery/vapor-recovery-certification-and-test-procedures>.

[For text of item C, see Minnesota Rules]

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7011.0909 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; HOT MIX ASPHALT PLANTS.

Code of Federal Regulations, title 40, part 60, subpart I, as amended, entitled “Standards of Performance for Hot Mix Asphalt Facilities,” is ~~adopted~~ and incorporated by reference.

7011.0950 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURE.

Code of Federal Regulations, title 40, part 60, subpart UU, as amended, entitled “Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture,” is ~~adopted~~ and incorporated by reference.

7011.1005 STANDARDS OF PERFORMANCE FOR DRY BULK AGRICULTURAL COMMODITY FACILITIES.

Subpart 1. **Owner or operator duties.** The owner or operator of a commodity facility shall must:

[For text of item A, see Minnesota Rules]

B. maintain air pollution control equipment in proper operating condition and ~~utilize~~ use the air pollution control systems as designed.

Subp. 2. **Federal requirements.** The owner, operator, or other person who conducts activities at a grain terminal elevator or grain storage elevator, of which construction, modification, or reconstruction commenced, as defined in Code of Federal Regulations, title 40, section 60.2, after August 3, 1978, shall must meet the requirements of Code of Federal Regulations, title 40, part 60, subpart DD, as amended, entitled “Standards of Performance for Grain Elevators,” which is ~~adopted~~ and incorporated by reference, except that decisions made by the administrator under authorities identified in Code of Federal Regulations, title 40, section 60.302(d)(3), are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

Subp. 3. **Prohibited discharges.** A commodity facility that is not required to be controlled under subpart 2 must be controlled if the facility meets one of the descriptions listed in part 7011.1015 where the table indicates “control required.” For a facility where control is required under part 7011.1015, no owner, operator, or other person who conducts activities at the facility may allow:

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

D. a discharge of particulate matter from control equipment that exhibits greater than ten percent opacity; ~~and or~~

[For text of item E, see Minnesota Rules]

Subp. 4. **Capture systems and control equipment.** The owner or operator of a commodity facility not required to control emissions under subpart 2 or 3 is not required to install capture systems and control equipment but shall must unload, handle, clean, dry, and load commodities to minimize fugitive emissions to a level consistent with RACT. If a capture system is used, the particulate matter must be conveyed through control equipment that has a collection efficiency of not less than 80 percent by weight.

[For text of subpart 5, see Minnesota Rules]

7011.1150 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; COAL PREPARATION AND PROCESSING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart Y, as amended, entitled “Standards of Performance for Coal Preparation and Processing Plants,” is ~~adopted~~ and incorporated by reference.

7011.1201 DEFINITIONS.

[For text of subparts 1 to 48, see Minnesota Rules]

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Subp. 49. **Wood heater.** “Wood heater” means an enclosed ~~woodburning~~ wood-burning appliance capable of and intended for space heating and domestic water heating ~~that meets the following criteria~~. These devices include adjustable burn rate wood heaters, single burn rate wood heaters, and pellet stoves. Wood heaters may or may not include air ducts to deliver some portion of the heat produced to areas other than the space where the wood heater is located. Wood heaters include:

A. an air-to-fuel ratio in the combustion chamber averaging less than 35 to 1 as determined by the test procedure prescribed in Code of Federal Regulations, title 40, section 60.534, as amended, performed at an accredited laboratory;

B. a useable firebox volume of less than 20 cubic feet;

C. a minimum burn rate less than five kg/hr as determined by the test procedure prescribed in Code of Federal Regulations, title 40, section 60.534, as amended, performed at an accredited laboratory; and

D. a maximum weight of 800 kilograms. In determining the weight of the appliance for these purposes, fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components that are not an integral part of the appliance or heat distribution ducting shall not be included.

A. free-standing wood heaters: wood heaters that are installed on legs, on a pedestal, or suspended from the ceiling. These products generally are safety listed under UL-1482, UL-737, or ULC-S627;

B. fireplace insert wood heaters: wood heaters intended to be installed in masonry fireplace cavities or in other enclosures. These appliances generally are safety listed under UL-1482, UL-737, or ULC-S628; and

C. built-in wood heaters: wood heaters that are intended to be recessed into the wall. These appliances generally are safety listed under UL-1482, UL-737, UL-127, or ULC-S610.

[For text of subpart 50, see Minnesota Rules]

7011.1205 ~~INCORPORATIONS~~ INCORPORATION BY REFERENCE; DOCUMENTS.

For the purpose of parts 7007.0501, 7007.0801, and 7011.1201 to 7011.1294, the documents in items A to C are incorporated by reference. Unless otherwise stated, these documents are not subject to frequent change;

A. Annual Book of American Society for Testing and Materials Standards (ASTM), Part 26 Volume 05.06, Gaseous Fuels; Coal and Coke; Atmospheric Analysis, 1981 edition Catalysts; Bioenergy and Industrial Chemicals from Biomass (2017). This publication is available through the Minitex interlibrary loan system;

B. Test Methods for Evaluating Solid Waste, SW-846, United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, Third Edition, November 1986. This publication is available through the Minitex interlibrary loan system: at <https://www.epa.gov/hw-sw846/sw-846-compendium> and is subject to frequent change; and

C. The following material is available from the American Society of Mechanical Engineers (ASME), 345 East 47th Street, New York, New York 10017 or from the State Law Library, Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155: through the Minitex interlibrary loan system:

(1) Standards Standard for the Qualification and Certification of Resource Recovery Facility Operators, ASME QRO-1-1994, May 1994; QRO-1-2005 (2005, reaffirmed 2015);

(2) Power Tests Code for Test Codes, Steam Generating Units, PTC 4.1, 1972; 4.1-1974 (reaffirmed 1991); and

(3) Interim Supplement 19.5 on Instrumentation and Apparatus, Application; Part II of Fluid Meters, 6th Edition; 1971, Interim Supplement 19.5 on Instruments and Apparatus (1972).

7011.1225 STANDARDS OF PERFORMANCE FOR WASTE COMBUSTORS.

Subpart 1. Class A or C waste combustor.

A. ~~No owner or operator of A Class A or C waste combustor shall cause to be emitted into the atmosphere from each waste combustor unit~~ must not emit gases ~~in excess of that exceed~~ the applicable standards of performance shown in parts 7011.1227 and 7011.1228. Emissions, except opacity, ~~shall~~ must be calculated under standard conditions corrected to seven percent oxygen on a dry volume basis. An owner or operator of a mixed municipal solid waste or RDF waste combustor may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen.

B. ~~No owner or operator of A Class A or C waste combustor shall cause to be emitted into the atmosphere~~ must not emit visible emissions of combustion ash from an ash conveying system, or buildings or enclosures of ash conveying systems, including conveyor transfer points, ~~in excess of that exceed~~ five percent of the observation period (i.e. 9 minutes per three-hour period), as determined by Code of Federal Regulations, title 40, part 60, Appendix A, Method 22, as amended. This limit does not apply to visible emissions discharged inside buildings or enclosures of ash conveying systems.

Subp. 2. **Class I or II waste combustors.** ~~No owner or operator of A Class I or II waste combustor shall cause to be emitted into the atmosphere from each waste combustor unit~~ must not emit gases ~~in excess of that exceed~~ the standards of performance shown in part 7011.1230.

Subp. 3. **Class III waste combustors.** ~~No owner or operator of A Class III waste combustor shall cause to be emitted into the atmosphere from each waste combustor unit~~ must not emit gases that contain particulate matter, PCDD/PCDF, mercury, carbon monoxide, or opacity ~~in excess of that exceeds~~ the standards of performance in part 7011.1231. Emissions ~~shall~~ must be calculated under standard conditions, corrected to seven percent oxygen on a dry volume basis. An owner or operator may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen. The relationship between carbon dioxide and oxygen ~~shall~~ must be established at each compliance test.

Subp. 4. [Repealed, 39 SR 386]

Subp. 5. **Class IV waste combustors.** ~~No owner or operator of A Class IV waste combustor shall cause to be emitted into the atmosphere from each waste combustor unit~~ must not emit gases that contain particulate matter, carbon monoxide, or opacity ~~in excess of those that exceeds the~~ concentrations in part 7011.1233. Emissions ~~shall~~ must be calculated under standard conditions, corrected to seven percent oxygen on a dry volume basis. An owner or operator may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen. The relationship between carbon dioxide and oxygen ~~shall~~ must be established at each compliance test.

7011.1228 NITROGEN OXIDES LIMITS FOR CLASS A WASTE COMBUSTORS.

The nitrogen oxides emission limits in Table A apply to each waste combustor unit at a Class A waste combustor facility. The owner or operator ~~shall~~ must use the procedures of part 7011.1260 for determining compliance with the nitrogen oxides emission limits of Table A.

Alternatively, an owner or operator may average nitrogen oxide emissions across the waste combustor facility according to the procedures in Code of Federal Regulations, title 40, section 60.33b(d)(1), as amended. Waste combustor units for which emissions averaging is used ~~shall~~ must not exceed the nitrogen oxide emission limits in Table B.

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TABLE A	
Municipal Waste Combustor Technology	Nitrogen Oxides Emission Limit (parts per million by volume)
Mass burn waterwall	205
Mass burn rotary waterwall	205
Refuse-derived fuel combustor	250
Fluidized bed combustor	180

TABLE B	
Municipal Waste Combustor Technology	Nitrogen Oxides Emission Limit (parts per million by volume)
Mass burn waterwall	180
Refuse-derived fuel combustor	230
Fluidized bed combustor	220

Before a waste combustor owner or operator may implement emissions averaging, the owner or operator ~~shall~~ must identify units that are included in the nitrogen oxides emissions averaging plan in either the compliance report required by part 7017.2035 that contains the results of the units' initial performance tests required by part 7011.1270, item A, subitem (1), or ~~in~~ the annual report required in part 7011.1285, as applicable ~~prior to~~ before implementing the averaging plan. The units ~~being~~ included in the averaging plan may be redesignated every calendar year. Partial year averaging is allowable upon written commissioner approval.

7011.1230 STANDARDS OF PERFORMANCE FOR CLASS I MUNICIPAL WASTE COMBUSTORS.

Subpart 1. **Scope.** The owner or operator of a Class I waste combustor ~~shall~~ must comply with the emission limits, notification, monitoring, testing, ~~record-keeping~~ record-keeping, and reporting requirements of the new source performance standards incorporated in parts 7011.1291 to 7011.1294, except as provided in subpart 2. In addition, the owner or operator ~~shall~~ must comply with the following limitations:

A. ~~parts 7011.1240, subpart 1; 7011.1281; 7011.1282; 7011.1283; and 7011.1284,~~ if the owner or operator chooses to comply with the operator certification requirements of Code of Federal Regulations, title 40, section 60.54b, as amended, by obtaining certification through the Minnesota Pollution Control Agency, ~~then the owner or operator shall comply with parts 7011.1240, subpart 1; 7011.1281; 7011.1282; 7011.1283; and 7011.1284;~~

B. the general waste combustor facility requirements of part 7011.1245;

C. the industrial solid waste management plan requirements of part 7011.1250;

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

Subp. 2. **Mercury emission limitations.** Instead of the mercury emission limits contained in Code of Federal Regulations, title 40, sections 60.52b(a)(5), 60.58b(d)(2)(ix), and 60.58b(d)(2)(x), as amended, the owner or operator of a Class I waste combustor ~~shall~~ must comply with the mercury emission limits described in this subpart and the testing and reporting requirements of parts 7011.1265, subpart 2; and 7011.1270, item E.

Class I	
Mercury (short-term)	
For all waste combustors except those combusting RDF in spreader stokers	80 µg/dscm or 85% removal
Waste combustor units combusting RDF in spreader stokers (90-day test interval)	50 µg/dscm or 85% removal

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Class I	
Mercury (long-term)	
For all waste combustors except those combusting RDF in spreader stokers	60 µg/dscm or 85% removal
Waste combustor units combusting RDF in spreader stokers (90-day test interval)	30 µg/dscm or 85% removal
Waste combustor units combusting RDF in spreader stokers (12-month test interval)	30 µg/dscm or 85% removal

7011.1260 CONTINUOUS MONITORING.

Subpart 1. **Combustion chamber temperature monitor.** The owner or operator of a Class D, III, or IV waste combustor shall must install and operate ~~at all times~~ temperature monitors that continuously read and record the temperature at the point in the combustion unit one second downstream of the entrance of the last overfire or secondary air injection. The owner or operator may elect to place temperature monitors at another point downstream from the entrance of the last overfire or secondary air injection, ~~provided that if~~ the owner or operator conducts mapping of the operating combustion chambers to develop temperature isopleths and correlates these temperatures to the downstream temperature monitors. The averaging period for combustion chamber temperatures shall must be four-hour arithmetic block averages calculated from four one-hour arithmetic averages. Each one-hour arithmetic average shall must consist of at least ten data points equally spaced in time.

Subp. 2. **Particulate matter control device temperature monitors.** The owner or operator of a waste combustor shall must install, calibrate, maintain, and operate ~~at all times~~ temperature monitors that continuously read and record the temperatures of the flue gas at the inlet of each particulate matter control device.

Subp. 3. **Continuous monitors.** The owner or operator of a waste combustor shall must install, calibrate, maintain, and operate a continuous monitoring system when burning solid waste. Monitoring systems that continuously read and record the following outputs shall must be installed:

A. in Class III, A, C, or D waste combustors:

(1) for carbon monoxide at the waste combustor outlet;

(2) for steam flow or an alternative unit load measurement parameter as described in part 7011.1265, subpart 4a, in waste combustors ~~which that~~ recover heat with a boiler;

[For text of subitems (3) and (4), see Minnesota Rules]

[For text of item B, see Minnesota Rules]

C. in all classifications of waste combustors subject to sulfur dioxide emission limits for sulfur dioxide. For those facilities for which compliance is determined by the percent reduction of emissions, monitors shall must be installed at the inlets and outlets of the air pollution control system.

Subp. 4. **Averaging periods.** Except as provided in this subpart and subparts 4a and 5, ~~the requirements of parts 7017.1002 to 7017.1220~~ apply to continuous monitoring data collection, reduction, and averaging periods.

[For text of items A and B, see Minnesota Rules]

C. At waste combustors other than mass burn rotary waterwall combustors or RDF waste combustors for carbon monoxide, a four-hour block average. For mass burn rotary waterwall combustors or RDF stokers, the averaging period for carbon monoxide shall must be a daily 24-hour arithmetic average measured between 12 midnight and the following midnight. The four-hour and 24-hour average shall must be calculated from one-hour arithmetic averages. At least four points equally spaced in time shall be used to calculate each one-hour average. During periods of calibration, quality assurance audits, and routine maintenance, only two data points during the hour, at least 15 minutes apart, are required to calculate an hourly average. Each one-hour average shall must be corrected to seven percent oxygen on an hourly basis using the one-hour arithmetic average of the oxygen or carbon dioxide continuous emissions monitoring system.

D. For sulfur dioxide, the geometric average of the one-hour arithmetic average emission concentration during

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each 24-hour daily period measured from midnight to midnight. At least four data points equally spaced in time shall be used to calculate each one-hour arithmetic average. During periods of calibration, quality assurance audits, and routine maintenance, only two data points during the hour, at least 15 minutes apart, are required to calculate an hourly average. Each one-hour average shall must be corrected to seven percent oxygen on an hourly basis using the one-hour arithmetic average of the oxygen or carbon dioxide continuous emissions monitoring system.

E. For nitrogen oxides, the arithmetic average of the one-hour arithmetic average emission concentration during each 24-hour daily period measured from midnight to midnight. At least four data points equally spaced in time shall must be used to calculate each one-hour arithmetic average. During periods of calibration, quality assurance audits, and routine maintenance, only two data points during the hour, at least 15 minutes apart, are required to calculate an hourly average. Each one-hour average shall must be corrected to seven percent oxygen on an hourly basis using the one-hour arithmetic average of the oxygen or carbon dioxide continuous emissions monitoring system.

[For text of items F and G, see Minnesota Rules]

Subp. 4a. Calculation of sulfur dioxide and nitrogen oxide emissions.

A. Compliance with the sulfur dioxide emission limit and percent reduction shall must be determined by using a continuous emission monitor to measure sulfur dioxide and calculating a 24-hour daily geometric mean emission concentration and daily geometric mean percent reduction using Code of Federal Regulations, title 40, part 60, Appendix A, Method 19, section 5.4, as amended, to determine the daily geometric average percent reduction in the potential sulfur dioxide emission concentration. For waste combustors which that do not operate continuously, compliance shall must be determined using a daily geometric mean of all hourly average values for the hours during the day that the facility is operated.

B. Compliance with the nitrogen oxides emission standards shall must be determined by using a continuous emission monitor for measuring nitrogen oxides and calculating a 24-hour daily arithmetic average emission concentration using Code of Federal Regulations, title 40, part 60, Appendix A, Method 19, section 4.1, as amended. For waste combustors which that do not operate continuously, compliance shall must be determined using an arithmetic mean of all hourly average values for the hours during the day that the facility is operated.

Subp. 5. **Installation and operation of continuous monitors.** The owner or operator of a waste combustor with continuous monitors shall must comply with the requirements of parts 7017.1002 to 7017.1220, except as provided in items A to I.

A. Following the initial compliance test as required under part 7011.1270, the owner or operator of a waste combustor shall must submit the initial compliance report as required under part 7011.1285, subpart 5.

B. Continuous monitors shall must be operated so as to measure and record data for at least 75 percent of the hours per day for 90 percent of the days of the calendar quarter that the waste combustor is operating and combusting solid waste.

C. All valid monitoring data shall must be used to calculate emission rates, emission reductions, and operating parameters, even if the conditions of item B are not met.

D. When continuous emissions data for sulfur dioxide removal efficiency, sulfur dioxide or nitrogen oxide emission rates, or carbon monoxide are not obtained because of monitor breakdowns, repairs, calibration checks, and zero and span adjustments, emission data calculations to determine compliance shall must be made using the following methods:

(1) for sulfur dioxide removal efficiency or sulfur dioxide or nitrogen oxide emission concentrations, Code of Federal Regulations, title 40, part 60, Appendix A, Method 19, as amended, to provide valid emission data in order to meet the requirements of item B. Other monitoring systems or other data collection methods may be used as approved by the commissioner; and

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(2) for carbon monoxide, Code of Federal Regulations, title 40, part 60, Appendix A, Method 10, as amended, to provide valid emission data ~~in order~~ to meet the requirements of item B. Other monitoring systems or other data collection methods may be used as approved by the commissioner.

E. Zero drift and span drift checks of emission monitoring systems ~~shall~~ must be conducted in accordance with Code of Federal Regulations, title 40, section 60.13, as amended.

F. Span values for continuous monitors ~~shall~~ must be as described in subitems (1) to (4). Dual scale monitors may be used to monitor emissions beyond the ranges specified in subitems (1) to (4).

(1) The span value of the sulfur dioxide continuous monitors at the inlet to the sulfur dioxide control device ~~is~~ must be 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the waste combustor unit, and the span value of the monitor at the outlet of the sulfur dioxide control device ~~is~~ must be 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the waste combustor unit.

(2) The span value of the nitrogen oxides continuous monitors ~~shall~~ must be 125 percent of the maximum estimated hourly potential nitrogen oxides emissions of the waste combustor unit.

(3) The span value of the oxygen or carbon dioxide monitor ~~shall~~ must be 25 percent oxygen or carbon dioxide.

(4) The span value of the carbon monoxide monitor ~~shall~~ must be 125 percent of the maximum estimated hourly potential carbon monoxide emissions of the waste combustor unit.

G. Quarterly accuracy determinations, daily calibration drift tests, and annual relative accuracy test audits ~~shall~~ must be performed ~~in accordance with procedures in~~ according to Code of Federal Regulations, title 40, part 60, Appendix F, as amended, for sulfur dioxide, nitrogen oxides, carbon monoxide, and oxygen or carbon dioxide, except that section 5.1.1 (relative accuracy test audit) ~~shall~~ does not apply to the oxygen monitor.

H. The procedures under Code of Federal Regulations, title 40, section 60.13, as amended, ~~shall~~ must be followed for installation, evaluation, and operation of continuous emissions monitoring systems for sulfur dioxide, nitrogen oxides, opacity, and oxygen or carbon dioxide.

I. The oxygen or carbon dioxide monitor ~~shall~~ must conform to Performance Specification 3 in Code of Federal Regulations, title 40, part 60, Appendix B, as amended, except that section 2.3 ~~shall~~ does not apply.

Subp. 6. **Recording data from continuous monitoring.** The owner or operator of a waste combustor ~~shall maintain a record of the information contained in this subpart. Waste combustors shall~~ must maintain a permanent record of continuously measured parameters. The record of monitoring ~~shall~~ must contain:

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

Subp. 7. **Exceedances of continuously monitored emission limits.** If accurate and valid data results collected from continuous monitors for sulfur dioxide, nitrogen oxides, or carbon monoxide data exceed emission limits established in part 7011.1225 or in the waste combustor's permit after normal start-up, the waste combustor owner or operator ~~shall undertake~~ must take the following actions:

A. The exceedance ~~shall~~ must be reported to the commissioner as soon as reasonably possible, giving consideration to matters of plant or worker safety; or access to communications.

[For text of item B, see Minnesota Rules]

C. If the waste combustor cannot be returned to compliance within 72 hours of ~~the occurrence of the~~ occurring, the waste combustor ~~shall~~ must be shut down. If the modifications to return the waste combustor to compliance require ~~the amendment of~~ amending the air emission facility permit, the waste combustor ~~shall~~ must shut down within 72 hours of the exceedance.

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D. When repairs or modifications have been completed, the waste combustor owner or operator ~~shall must~~ demonstrate to the commissioner that the waste combustor is in compliance. The waste combustor may be started up after the owner or operator ~~has notified~~ notifies the commissioner in writing of the date the owner or operator plans to start up the waste combustor and the date that compliance testing is scheduled. Notification ~~shall must~~ be given at least ten days in advance of the compliance test date.

7011.1265 REQUIRED PERFORMANCE TESTS, METHODS, AND PROCEDURES.

Subpart 1. **Performance test methods and procedures.** An owner or operator of a waste combustor required to conduct performance tests for a waste combustor ~~shall must~~ use the performance test methods and procedures specified in parts 7017.2001 to 7017.2060 except as modified in this part. Not operating a sorbent injection system for the sole purpose of testing ~~in order~~ to demonstrate compliance with the percent reduction standards for sulfur dioxide and hydrogen chloride is not a modification under part 7007.0100, subpart 14.

Subp. 2. **Performance test methods for criteria pollutants.** An owner or operator of a waste combustor required to conduct performance tests for particulate matter, sulfur dioxide, or nitrogen oxides must use the test methods ~~as described in under~~ items A to D.

A. For particulate matter, except ~~that~~ for Class I, II, A, and C waste combustors, the minimum sample volume must be 1.7 dscm, and the probe and filter holder heating systems in the sample train must be set to provide a gas temperature no greater than 160 degrees Celsius, plus or minus 14 degrees. For Class III and IV waste combustors, the minimum sample volume must be 0.85 dscm. Owners or operators may request approval for smaller sampling times or volumes from the commissioner ~~prior to before~~ testing, when necessitated by process variables or site-specific limitations. An oxygen or carbon dioxide measurement must be obtained simultaneously with each Method 5 test run for particulate matter. Particulate matter emissions, expressed in gr/dscf, must be corrected to seven percent oxygen by using the following formula:

$$c_7 = \frac{14c}{(21-\%O_2)}$$

where: c_7 is the concentration of particulate matter corrected to seven percent oxygen;

c is the concentration of particulate matter as measured by Code of Federal Regulations, title 40, part 60, Appendix A-3, Method 5, and Code of Federal Regulations, title 40, part 51, Appendix M, Method 202₂, and

$\%O_2$ is the percentage of oxygen as measured by Code of Federal Regulations, title 40, part 60, Appendix A-2, Method 3, as amended.

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

B. For opacity emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 9, as amended, ~~shall must~~ be used to determine compliance with opacity limits.

C. For Class IV waste combustors carbon monoxide emissions, compliance with the emission limit ~~shall must~~ be determined by using Code of Federal Regulations, title 40, part 60, Appendix A, Method 10, as amended.

D. For fugitive ash emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 22, as amended, ~~shall must~~ be used. The minimum observation time ~~shall be~~ is a series of three one-hour observations. The observation period ~~shall must~~ include times when the facility is transferring ash from the waste combustor unit to the area where ash is stored or loaded into containers or trucks. The average duration of visible emissions per hour ~~shall must~~ be calculated from the three one-hour observations. The average ~~shall must~~ be used to determine compliance with the emission limit.

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Subp. 3. **Performance test methods for other air contaminants.** If not specified in this subpart, the owner or operator shall must use test methods in Code of Federal Regulations, title 40, part 60, Appendix A, or part 61, Appendix B, as amended, or other methods determined by the commissioner in writing to be equivalent. For Class A waste combustors, other methods used for performance testing must be approved by the Environmental Protection Agency.

A. For hydrogen chloride, the percentage reduction in the potential hydrogen chloride emissions (%P_{HCl}) is computed using the following formula:

$$\%P_{\text{HCl}} = \frac{(E_i - E_o)}{E_i}$$

where E_i is the potential hydrogen chloride emission rate measured at the control device inlet, corrected to seven percent O₂, and E_o is the hydrogen chloride emission rate measured at the outlet of the acid gas control device, corrected to seven percent O₂.

Code of Federal Regulations, title 40, part 60, Appendix A, Method 26 or 26A, as amended, shall must be used for determining the hydrogen chloride emission rate. The minimum sampling time shall be is one hour. An oxygen or carbon dioxide measurement shall must be obtained simultaneously with each Method 26 test run for hydrogen chloride. The average of the hydrogen chloride emission concentration or percent reduction is used to determine compliance.

B. For PCDD/PCDF emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 23, as amended, shall must be used for ~~determining to determine~~ compliance with the PCDD/PCDF emission limits. For Class II and A facilities, the minimum sample time shall be is four hours per test run. For Class III, C, and D facilities, the minimum sample time shall be is three hours per test run. An oxygen or carbon dioxide measurement shall must be obtained simultaneously with each Method 23 test run for PCDD/PCDF. The average of the PCDD/PCDF test runs is used to determine compliance.

C. For mercury, lead, and cadmium emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 29, as amended, shall must be used for measuring emissions of lead, cadmium, and mercury. The minimum sample volume shall be is 1.7 dscm. An oxygen or carbon dioxide measurement shall must be obtained simultaneously with each Method 29 test run for lead and cadmium. The average of the lead or cadmium emission concentrations from three test runs or more shall must be used to determine compliance. The procedures in item D shall must be used to determine compliance with the mercury emission limits.

D. To determine the mercury concentration, the arithmetic average of three or more samples at the outlet of the air pollution control device shall must be used. The minimum sample volume shall be is 1.7 dscm. The maximum sample run time shall be is two hours. An oxygen or carbon dioxide measurement shall must be obtained simultaneously with each Method 29 test run for mercury.

To determine the percent reduction of mercury, concurrent sampling for mercury at the inlet and outlet of the air pollution control system shall must be performed at each occurrence of mercury emissions performance testing.

Owners and operators of RDF combustors may choose to conduct mercury emissions testing either every 90 days or every 12 months. If the owner or operator of an RDF combustor chooses to conduct testing every 90 days, the requirements of subitems (1) and (2) apply. If the RDF combustor chooses to test every 12 months, the requirements of subitem (3) apply.

(1) Procedures to determine compliance with the short-term mercury emission concentration limit are described in unit (a). If the waste combustor does not show compliance as determined in unit (a), compliance shall must be determined as described in units (b) and (c).

[For text of unit (a), see Minnesota Rules]

(b) If the average computed in unit (a) exceeds the short-term mercury emission concentration limit, the removal efficiency for each run shall must be computed as follows:

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$$\%Hg_{\text{removal efficiency}} = [Hg_{\text{in}} - Hg_{\text{out}}] / HG_{\text{in}} \times 100$$

Where: $Hg_{\text{removal efficiency}}$ is the removal efficiency of each sample run, HG_{in} is the mercury concentration measured at the inlet of the air pollution control device, and Hg_{out} is the mercury concentration measured at the outlet.

(c) The waste combustor is in compliance with the short-term mercury emission limit; if the arithmetic average of each of the removal efficiencies as computed in unit (b) is greater than or equal to 85 percent.

(2) Procedures to determine compliance with the long-term mercury emission concentration limit are described in unit (a). If the waste combustor does not show compliance as determined in unit (a), compliance ~~shall~~ must be determined as described in unit (b).

(a) To determine compliance with the mercury emission concentration limit, the arithmetic average of all mercury emission concentrations measured in a compliance test available for the previous calendar year ~~shall~~ must be used. Initial compliance with the long-term mercury concentration limit ~~shall~~ must be determined upon completion of the first calendar year. Subsequent compliance ~~shall~~ must be determined at each occurrence of mercury emission performance testing.

(b) If the average that was computed in unit (a) exceeds the long-term mercury emission concentration, the removal efficiency for each run ~~shall~~ must be computed by the equation in subitem (1), unit (b). The waste combustor is in compliance with the long-term mercury emission limit if the arithmetic average of each of the removal efficiencies is greater than or equal to 85 percent.

(3) Owners or operators of waste combustors combusting RDF who choose to conduct mercury emission testing every 12 months ~~shall~~ must use the procedures in this subitem to determine compliance with mercury emission limits.

[For text of unit (a), see Minnesota Rules]

(b) If the average computed in unit (a) exceeds the 12-month mercury emission concentration limit, the removal efficiency for each run ~~shall~~ must be computed by the equation in subitem (1), unit (b). The waste combustor is in compliance with the 12-month mercury emission limit if the arithmetic average of the removal efficiencies is greater than 85 percent.

Subp. 4. **Steam flow measurement method.** The method contained in ASME ~~Power Test Codes: Test Codes for Steam Generating Units, PTC 4.1 (1972), section 4, incorporated by reference in part 7011.1205, shall~~ must be used for calculating the steam flow required under part 7011.1260, subpart 3, item A, subitem (2). The recommendations of ~~Instruments and Apparatus: Measurement of Quantity of Materials, Application: Part II of Fluid Meters, Interim Supplement 19.5 (1971) on Instruments and Apparatus, chapter 4, incorporated by reference in part 7011.1205, shall~~ must be followed for design, construction, installation, calibration, and use of nozzles and orifices, except that measurement devices such as flow nozzles and orifices are not required to be recalibrated after they are installed. All signal conversion elements associated with steam flow measurements must be calibrated according to the manufacturer's instructions before each PCDD/PCDF test, and at least once per year. This annual calibration ~~shall~~ must be recorded in the daily operating record as described in part 7011.1285, subpart 2.

[For text of subpart 4a, see Minnesota Rules]

Subp. 4b. **Procedures for correlating carbon dioxide and oxygen concentrations.** If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels ~~shall~~ must be established during the initial performance test according to the procedures and methods ~~specified as described in~~ under items A to E.

A. The fuel factor equation in Code of Federal Regulations, title 40, part 60, Appendix A, Method 3B, ~~shall~~ must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3, 3A, or 3B ~~shall~~ must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

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B. Samples ~~shall~~ must be taken for at least 30 minutes in each hour.

C. Each sample ~~shall~~ must represent a one-hour average.

D. A minimum of three runs ~~shall~~ must be performed.

E. The relationship between carbon dioxide and oxygen concentrations that is established ~~shall~~ must be submitted as part of the initial performance test report.

Subp. 5. **Performance tests required.** Performance tests ~~shall~~ must be conducted on waste combustors to determine the emission concentrations of the following air contaminants:

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

D. any other air contaminant for which an emission limitation applies to the waste combustor, except for opacity and those contaminants for which compliance is demonstrated by ~~the use of~~ using a continuous monitor.

Subp. 6. **Operation during performance testing.** The owner or operator of a waste combustor ~~shall~~ must report operating conditions to the commissioner ~~the operating conditions~~, including operating parameters of the air pollution control equipment, flue gas temperatures, air flow rates, and pressure drop across the combustion system.

Subp. 7. **Maximum demonstrated capacity.** For Class I, II, III, A, C, and D waste combustors, maximum demonstrated capacity of each waste combustor unit ~~shall~~ must be determined during the initial performance test for PCDD/PCDF and each subsequent performance test during which compliance with the PCDD/PCDF emission limit in part 7011.1225 is achieved. For Class IV waste combustors, maximum demonstrated capacity ~~shall~~ must be determined during the initial performance test and each subsequent performance test during which compliance with emission limits is demonstrated.

Subp. 8. **Particulate matter control device temperature.** The owner or operator of a waste combustor with postcombustion particulate matter control ~~shall~~ must determine and record the four-hour arithmetic average gas stream temperature as measured at the inlet to each particulate matter control device during the initial and each subsequent performance test for PCDD/PCDFs demonstrating compliance with the PCDD/PCDF emission limit in part 7011.1225.

Subp. 9. [Repealed, 22 SR 1975]

Subp. 10. **Solid waste composition.** Solid waste composition studies ~~shall~~ must be conducted as described in part 7007.0501, subpart 2.

Subp. 11. **Exceedances of emission limits.** If accurate and valid data results of a performance test demonstrate an exceedance of a standard of performance ~~as described in~~ under part 7011.1225 or in the waste combustor's air emission facility permit after normal start-up, the waste combustor owner or operator ~~shall undertake~~ must take the actions in items A to D.

A. The owner or operator ~~shall~~ must immediately report the exceedance to the commissioner and ~~shall~~ comply with the applicable reporting provisions of part 7007.0800, subpart 6.

B. The owner or operator ~~shall undertake~~ must take appropriate steps to return the waste combustor to compliance; and ~~shall~~ must demonstrate compliance within 60 days of the initial report of the exceedance.

C. If the commissioner determines that compliance has not been achieved within 60 days of the initial report of exceedance, the waste combustor ~~shall~~ must be shut down.

D. If shutdown was required under item C, the waste combustor may be restarted under the conditions specified by the commissioner. The owner or operator must notify the commissioner in writing of the date on which the owner or

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operator plans to ~~start-up~~ start up and to begin compliance testing. Notification ~~shall~~ must be at least ten days in advance of the compliance test date.

7011.1291 INCORPORATION BY REFERENCE ~~OF~~; NEW SOURCE PERFORMANCE STANDARD FOR NEW STANDARDS; LARGE MUNICIPAL WASTE COMBUSTORS.

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

[For text of subpart 2, see Minnesota Rules]

7011.1292 INCORPORATION BY REFERENCE ~~OF~~; NEW SOURCE PERFORMANCE STANDARD FOR NEW STANDARDS; HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS.

Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart Ec, as amended, entitled “Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators,” is incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.50e(i), are not delegated to the commissioner and must be made by the administrator.~~

[For text of subpart 2, see Minnesota Rules]

7011.1294 INCORPORATION BY REFERENCE ~~OF~~; NEW SOURCE PERFORMANCE STANDARD FOR NEW STANDARDS; OTHER SOLID WASTE INCINERATION UNITS.

Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart EEEE, as amended, entitled “Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006,” is incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.2889(b), are not delegated to the commissioner and must be made by the administrator.~~

[For text of subpart 2, see Minnesota Rules]

7011.1350 INCORPORATION BY REFERENCE ~~OF~~; NEW SOURCE PERFORMANCE STANDARD FOR STANDARDS; SEWAGE SLUDGE INCINERATORS.

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

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

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

[For text of subpart 2, see Minnesota Rules]

7011.1355 STANDARDS OF PERFORMANCE FOR INCORPORATION BY REFERENCE; EMISSION GUIDELINES AND COMPLIANCE TIMES; EXISTING SEWAGE SLUDGE INCINERATOR UNITS; COMPLIANCE WITH CLEAN AIR ACT SECTION 129 STANDARDS.

[For text of subpart 1, see Minnesota Rules]

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Subp. 2. Incorporation by reference of federal emission guidelines and compliance times for existing sewage sludge incinerators.

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

[For text of subitems (1) to (8), see Minnesota Rules]

[For text of item B, see Minnesota Rules]

[For text of subpart 3, see Minnesota Rules]

7011.1365 INCORPORATION BY REFERENCE OF: EMISSION GUIDELINES AND COMPLIANCE TIMES FOR: EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.

~~A. The following requirements from Code of Federal Regulations, title 40, part 60, subpart DDDD, sections 60.2575 to 60.2875, as amended, entitled "Emission Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units," are is incorporated by reference, as amended with the following exceptions:~~

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

~~(a) owners or operators must submit a final control plan to the commissioner by one year after September 29, 2014; and~~

~~(b) owners or operators of an affected unit must demonstrate compliance with the emission guidelines adopted under this part within three years after September 29, 2014;~~

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

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

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

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

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

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

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

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

~~(10) Title V operating permits: Code of Federal Regulations, title 40, section 60.2805. Owners or operators of commercial and industrial solid waste incineration units that do not hold Title V operating permits must submit an application for a Title V permit by one year after September 29, 2014;~~

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

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

~~B. For the purposes of this subpart, the terms used in Code of Federal Regulations, title 40, sections 60.2572 to~~

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60.2875, are defined as follows:

(1) “administrator” means the commissioner; and

A. sections 60.2500 to 60.2570 are not incorporated by reference;

B. the deadlines for each increment of progress provided for in Table 1 of Code of Federal Regulations, title 40, part 60, subpart DDDD, are:

(1) by September 29, 2015, for owners or operators to submit a final control plan to the commissioner; and

(2) by September 29, 2017, for owners or operators of an affected unit to demonstrate compliance with the emission guidelines adopted under this part;

C. owners or operators of commercial and industrial solid waste incineration units that do not hold Title V operating permits must submit an application for a Title V permit by September 29, 2015; and

D.

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

7011.1370 INCORPORATION BY REFERENCE ~~OF~~; NEW SOURCE PERFORMANCE STANDARD ~~FOR STANDARDS~~; NEW COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.

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

[For text of subpart 2, see Minnesota Rules]

7011.1400 DEFINITIONS APPLICABLE TO PETROLEUM REFINERIES.

Subpart 1. **Scope.** ~~As used in~~ The definitions in this part apply to parts 7011.1400 to 7011.1430, the following words shall have the meanings defined herein.

Subp. 2. **Coke burn-off.** “Coke burn-off” means the coke removed from the surface of the fluid catalytic cracking unit catalyst by combustion in the catalyst regenerator. The rate of coke burn-off is calculated by the formula ~~specified in~~ part 7011.1430, subpart 5.

Subp. 2a. **Existing.** “Existing” means equipment on which construction, modification, or reconstruction did not begin after June 11, 1973.

Subp. 3. **Fossil fuel.** “Fossil fuel” means natural gas, petroleum, coal, and wood; and any form of solid, liquid, or gaseous fuel derived from such materials.

Subp. 4. **Fuel gas.** “Fuel gas” means any gas ~~which that~~ is generated by a petroleum refinery process unit and ~~which that~~ is combusted, including any gaseous mixture of a natural gas and fuel gas ~~which that~~ is combusted.

Subp. 5. **Fuel gas combustion device.** “Fuel gas combustion device” means any equipment, such as process heaters, boilers, and flares, used to combust fuel gas; but does not include fluid coking units and fluid catalytic cracking unit incinerator-waste heat boilers and or facilities in which gases are combusted to produce sulfur or sulfuric acid.

[For text of subpart 6, see Minnesota Rules]

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Subp. 7. **High heating value.** “High heating value” means the number of (Btu/lb) (cal/gm) of a fossil fuel as determined by the A.S.T.M. test methods described in part ~~7011.0525~~ 7011.0500, subpart 8.

Subp. 8. **Indirect heating equipment.** “Indirect heating equipment” means a furnace, boiler, or other unit of combustion equipment used in the process of burning fossil fuel for the purpose of producing to produce steam, hot water, hot air, or other hot liquid, gas, or solid, where the products of combustion do not have direct contact with the heated medium. “Indirect heating equipment” includes all fuel gas combustion devices ~~which that~~ burn a liquid or solid fossil fuel but does not include fluid catalytic cracking unit incinerator-waste heat boilers, fluid coking units, ~~and~~ or facilities in which gases are combusted to produce sulfur or sulfuric acid.

Subp. 8a. **New.** “New” means equipment on which construction, modification, or reconstruction began after June 11, 1973.

[For text of subpart 9, see Minnesota Rules]

Subp. 10. **Petroleum refinery.** “Petroleum refinery” means ~~any a~~ facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oil, lubricants, or other products ~~through distillation of by distilling~~ petroleum or ~~through redistillation by redistilling~~, cracking, or reforming of unfinished petroleum derivatives. “Petroleum refinery” includes fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, fuel gas combustion devices, and all indirect heating equipment associated with the refinery.

[For text of subparts 11 to 14, see Minnesota Rules]

7011.1435 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARDS; PETROLEUM REFINERIES.

The following new source performance standards are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart J, as amended, entitled “Standards of Performance for Petroleum Refineries;” ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 60.105(a)(13)(iii) and 60.106(i)(12), are not delegated to the commissioner and must be made by the administrator;.~~

B. Code of Federal Regulations, title 40, part 60, subpart GGG, as amended, entitled “Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006,” ~~except that decisions made by the administrator under the authorities identified in Code of Federal Regulations, title 40, section 60.592(c), are not delegated to the commissioner and must be made are retained~~ by the administrator;.

C. Code of Federal Regulations, title 40, part 60, subpart QQQ, as amended, entitled “Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems;” ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.694, are not delegated to the commissioner and must be made by the administrator;.~~

D. Code of Federal Regulations, title 40, part 60, subpart Ja, as amended, entitled “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007;” ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.109a (b), are not delegated to the commissioner and must be made by the administrator; and~~

[For text of item E, see Minnesota Rules]

7011.1510 MONITORING OF OPERATIONS.

Subpart 1. **Records.** The owner or operator of any storage vessel, the construction or modification of which ~~commenced began~~ on or after June 11, 1973, ~~which that~~ has a storage capacity of greater than 40,000 gallons (151,412 liters) ~~shall must~~ for each storage vessel:

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A. maintain a file of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored, of the dates of storage and withdrawals, and of the date on which the storage vessel is empty; and

B. determine and record the average monthly storage temperature and true vapor pressure of the petroleum liquid stored at such temperature if:

(1) the petroleum liquid has a true vapor pressure, as stored, greater than 26 mm Hg (0.5 psia) but less than 78 mm Hg (1.5 psia) and is stored in a storage vessel other than one equipped with a floating roof, a vapor recovery system, or their equivalents; or

[For text of subitem (2), see Minnesota Rules]

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Vapor pressure determination.** The true vapor pressure ~~shall be~~ is determined by the procedure in American Petroleum Institute Bulletin 2517. This procedure is dependent upon ~~determination of~~ determining the storage temperature and the Reid vapor pressure, which requires sampling of the petroleum liquids in the storage vessels. Unless ~~the agency or the commissioner~~ requires in specific cases that the stored petroleum liquid be sampled, the true vapor pressure may be determined by using the average monthly storage temperature and the typical Reid vapor pressure. For those liquids for which certified specifications limiting the Reid vapor pressure exist, that Reid vapor pressure may be used. For other liquids, supporting analytical data must be made available on request of ~~the agency or the commissioner~~ when typical Reid vapor pressure is used.

7011.1520 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE; STORAGE VESSELS.

The following new source performance standards are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart K, as amended, entitled “Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.”;

B. Code of Federal Regulations, title 40, part 60, subpart Ka, as amended, entitled “Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984,” except that ~~decisions made by the administrator under the authorities identified in~~ Code of Federal Regulations, title 40, section 60.114a, are not delegated to the commissioner and ~~must be made~~ are retained by the administrator; and

C. Code of Federal Regulations, title 40, part 60, subpart Kb, as amended, entitled “Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984;” except that ~~decisions made by the administrator under Code of Federal Regulations, title 40, sections 60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii), are not delegated to the commissioner and must be made by the administrator.~~

7011.1550 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; BULK GASOLINE TERMINALS.

Code of Federal Regulations, title 40, part 60, subpart XX, as amended, entitled “Standards of Performance for Bulk Gasoline Terminals,” is ~~adopted and~~ incorporated by reference.

7011.1635 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARD BY REFERENCE STANDARDS; SULFURIC ACID PLANTS.

Code of Federal Regulations, title 40, part 60, subpart H, as amended, entitled “Standards of Performance for Sulfuric Acid Plants,” is ~~adopted and~~ incorporated by reference.

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7011.1730 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARDS FOR NITRIC ACID PLANTS.

The following new source performance standards are incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart G, as amended, entitled “Standards of Performance for Nitric Acid Plants;” is ~~adopted and incorporated by reference;~~ and

B. Code of Federal Regulations, title 40, part 60, subpart Ga, as amended, entitled “Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011;” is ~~incorporated by reference.~~

7011.1820 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE; LEAD SMELTERS.

The following new source performance standards are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart L, as amended, entitled “Standards of Performance for Secondary Lead Smelters;” and

[For text of item B, see Minnesota Rules]

7011.1840 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; PRIMARY COPPER SMELTERS.

Code of Federal Regulations, title 40, part 60, subpart P, as amended, entitled “Standards of Performance for Primary Copper Smelters;” is ~~adopted and~~ incorporated by reference.

7011.1880 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; PRIMARY ZINC SMELTERS.

Code of Federal Regulations, title 40, part 60, subpart Q, as amended, entitled “Standards of Performance for Primary Zinc Smelters;” is ~~adopted and~~ incorporated by reference.

7011.1920 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE; SECONDARY BRASS AND BRONZE PRODUCTION PLANTS.

Code of Federal Regulations, title 40, part 60, subpart M, as amended, entitled “Standards of Performance for Secondary Brass and Bronze Production Plants;” is ~~adopted and~~ incorporated by reference.

7011.2020 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE; STEEL PLANTS.

The following new source performance standards are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart N, as amended, entitled “Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973;”

B. Code of Federal Regulations, title 40, part 60, subpart Na, as amended, entitled “Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983;”

C. Code of Federal Regulations, title 40, part 60, subpart AA, as amended, entitled “Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983;” and

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D. Code of Federal Regulations, title 40, part 60, subpart AAa, as amended, entitled “Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7 17, 1983.”

7011.2050 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; PRIMARY ALUMINUM REDUCTION PLANTS.

Code of Federal Regulations, title 40, part 60, subpart S, as amended, entitled “Standards of Performance for Primary Aluminum Reduction Plants,” is ~~adopted and~~ incorporated by reference.

7011.2080 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; FERROALLOY PRODUCTION FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart Z, as amended, entitled “Standards of Performance for Ferroalloy Production Facilities,” is ~~adopted and~~ incorporated by reference.

7011.2350 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; STATIONARY GAS TURBINES.

Code of Federal Regulations, title 40, part 60, subpart GG, as amended, entitled “Standards of Performance for Stationary Gas Turbines,” is ~~adopted and~~ incorporated by reference, except that ~~decisions made by the administrator under authorities identified in~~ Code of Federal Regulations, title 40, sections 60.332(a)(3) and 60.335(a), are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

7011.2375 INCORPORATION BY REFERENCE OF; NEW SOURCE PERFORMANCE STANDARD FOR STANDARDS; STATIONARY COMBUSTION TURBINES.

Code of Federal Regulations, title 40, part 60, subpart KKKK, as amended, entitled “Standards of Performance for Stationary Combustion Turbines,” is ~~adopted and~~ incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.737(b), are not delegated to the commissioner and must be made by the administrator.~~

7011.2400 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; PHOSPHATE FERTILIZER INDUSTRY.

The following new source performance standards are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart T, as amended, entitled “Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants:”;

B. Code of Federal Regulations, title 40, part 60, subpart U, as amended, entitled “Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants:”;

C. Code of Federal Regulations, title 40, part 60, subpart V, as amended, entitled “Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants:”;

D. Code of Federal Regulations, title 40, part 60, subpart W, as amended, entitled “Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants:”; and

E. Code of Federal Regulations, title 40, part 60, subpart X, as amended, entitled “Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.”

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7011.2450 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; KRAFT PULP MILLS.

The following new source performance standards are incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart BB, as amended, entitled “Standards of Performance for Kraft Pulp Mills;” is ~~adopted and incorporated by reference;~~ and

B. Code of Federal Regulations, title 40, part 60, subpart BBa, as amended, entitled “Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013;” is ~~adopted and incorporated by reference.~~

7011.2500 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; GLASS MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart CC, as amended, entitled “Standards of Performance for Glass Manufacturing Plants;” is ~~adopted and~~ incorporated by reference.

7011.2550 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; SURFACE COATING OF METAL FURNITURE.

Code of Federal Regulations, title 40, part 60, subpart EE, as amended, entitled “Standards of Performance for Surface Coating of Metal Furniture;” is ~~adopted and~~ incorporated by reference.

7011.2555 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; AUTOMOBILE AND LIGHT-DUTY TRUCK SURFACE COATING OPERATIONS.

Code of Federal Regulations, title 40, part 60, subpart MM, as amended, entitled “Standards of Performance for Automobile and ~~Light-Duty~~ Light Duty Truck Surface Coating Operations;” is ~~adopted and~~ incorporated by reference.

7011.2560 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; PRESSURE SENSITIVE TAPE AND LABEL SURFACE COATING OPERATIONS.

Code of Federal Regulations, title 40, part 60, subpart RR, as amended, entitled “Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations;” is ~~adopted and~~ incorporated by reference.

7011.2565 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; INDUSTRIAL SURFACE COATING: LARGE APPLIANCES.

Code of Federal Regulations, title 40, part 60, subpart SS, as amended, entitled “Standards of Performance for Industrial Surface Coating: Large Appliances;” is ~~adopted and~~ incorporated by reference.

7011.2570 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; METAL COIL SURFACE COATING.

Code of Federal Regulations, title 40, part 60, subpart TT, as amended, entitled “Standards of Performance for Metal Coil Surface Coating;” is ~~adopted and~~ incorporated by reference.

7011.2575 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR THE; BEVERAGE CAN SURFACE COATING INDUSTRY.

Code of Federal Regulations, title 40, part 60, subpart WW, as amended, entitled “Standards of Performance for the Beverage Can Surface Coating Industry;” is ~~adopted and~~ incorporated by reference, except that ~~decisions made by the administrator under the authorities identified in~~ Code of Federal Regulations, title 40, section 60.496(a)(1), and the last sentence of Code of Federal Regulations, title 40, section 60.493(b)(2)(i)(A), are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

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7011.2580 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; INDUSTRIAL SURFACE COATING: SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES.

Code of Federal Regulations, title 40, part 60, subpart TTT, as amended, entitled “Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines,” is ~~adopted and~~ incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e), and 60.725(b), are not delegated to the commissioner and must be made by the administrator.~~

7011.2600 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; LIME MANUFACTURING PLANTS.

Code of Federal regulations, title 40, part 60, subpart HH, as amended, entitled “Standards of Performance for Lime Manufacturing Plants,” is ~~adopted and~~ incorporated by reference.

7011.2650 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; LEAD-ACID BATTERY MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart KK, as amended, entitled “Standards of Performance for Lead-Acid Battery Manufacturing Plants,” is ~~adopted and~~ incorporated by reference.

7011.2700 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; METALLIC MINERAL PROCESSING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart LL, as amended, entitled “Standards of Performance for Metallic Mineral Processing Plants,” is ~~adopted and~~ incorporated by reference.

7011.2750 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; PHOSPHATE ROCK PLANTS.

Code of Federal Regulations, title 40, part 60, subpart NN, as amended, entitled “Standards of Performance for Phosphate Rock Plants,” is ~~adopted and~~ incorporated by reference.

7011.2800 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; AMMONIUM SULFATE MANUFACTURE.

Code of Federal Regulations, title 40, part 60, subpart PP, as amended, entitled “Standards of Performance for Ammonium Sulfate Manufacture,” is ~~adopted and~~ incorporated by reference.

7011.2850 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; PUBLICATION ROTOGRAVURE PRINTING.

Code of Federal Regulations, title 40, part 60, subpart QQ, as amended, entitled “Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing,” is ~~adopted and~~ incorporated by reference.

7011.2900 INCORPORATION BY REFERENCE OF; NEW SOURCE PERFORMANCE STANDARDS; SYNTHETIC ORGANIC CHEMICAL MANUFACTURING.

The following new source performance standards are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart VV, as amended, entitled “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006,” except

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that decisions made by the administrator under the authorities identified in Code of Federal Regulations, title 40, section 60.482-1(c)(2), are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.;

B. Code of Federal Regulations, title 40, part 60, subpart III, as amended, entitled “Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes;” ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.613(e), are not delegated to the commissioner and must be made by the administrator.;~~

C. Code of Federal Regulations, title 40, part 60, subpart NNN, as amended, entitled “Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations;” ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.663(e), are not delegated to the commissioner and must be made by the administrator.;~~ and

D. Code of Federal Regulations, title 40, part 60, subpart VVa, as amended, entitled “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.” ~~With this incorporation, reporting requirements of Code of Federal Regulations, title 40, section 60.487a, remain unchanged.~~

7011.2950 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; RESIDENTIAL WOOD HEATERS.

Code of Federal Regulations, title 40, part 60, subpart AAA, as amended through July 1, 2018, entitled “Standards of Performance for New Residential Wood Heaters,” is ~~adopted and~~ incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 60.530(e), 60.531, 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e), and 60.539, are not delegated to the commissioner and must be made by the administrator.~~

HYDRONIC HEATERS AND FORCED-AIR FURNACES

7011.2960 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS; RESIDENTIAL HYDRONIC HEATERS AND FORCED-AIR FURNACES.

Code of Federal Regulations, title 40, part 60, subpart QQQQ, as amended through July 1, 2018, entitled “Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces,” is incorporated by reference.

7011.3000 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR THE; RUBBER TIRE MANUFACTURING INDUSTRY.

Code of Federal Regulations, title 40, part 60, subpart BBB, as amended, entitled “Standards of Performance for the Rubber Tire Manufacturing Industry,” is ~~adopted and~~ incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.543(e)(2)(ii)(B), are not delegated to the commissioner and must be made by the administrator.~~

7011.3050 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; POLYMER MANUFACTURING INDUSTRY.

Code of Federal Regulations, title 40, part 60, subpart DDD, as amended, entitled “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry,” is ~~adopted and~~ incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.562-2(c), are not delegated to the commissioner and must be made by the administrator.~~

7011.3100 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; POLYMERIC COATING OF SUPPORTING SUBSTRATES FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart VVV, as amended, entitled “Standards of Performance for Polymeric Coating of Supporting Substrates Facilities,” is ~~adopted and~~ incorporated by reference, ~~except that~~

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decisions made by the administrator under Code of Federal Regulations, title 40, sections 60.743(a)(3)(v)(A) and (B), 60.743(e), 60.745(a), and 60.746, are not delegated to the commissioner and must be made by the administrator.

7011.3150 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; FLEXIBLE VINYL AND URETHANE COATING AND PRINTING.

Code of Federal Regulations, title 40, part 60, subpart FFF, as amended, entitled “Standards of Performance for Flexible Vinyl and Urethane Coating and Printing,” is ~~adopted~~ and incorporated by reference.

7011.3200 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; SYNTHETIC FIBER PRODUCTION FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart HHH, as amended, entitled “Standards of Performance for Synthetic Fiber Production Facilities,” is ~~adopted~~ and incorporated by reference.

7011.3250 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; PETROLEUM DRY CLEANERS.

Code of Federal Regulations, title 40, part 60, subpart JJJ, as amended, entitled “Standards of Performance for Petroleum Dry Cleaners,” is ~~adopted~~ and incorporated by reference, except that ~~decisions made by the administrator under the authorities identified in~~ Code of Federal Regulations, title 40, section 60.623, are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

7011.3300 INCORPORATION OF BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE; ONSHORE NATURAL GAS PROCESSING.

The following new source performance standards are ~~adopted~~ and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart KKK, as amended, entitled “Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011,” except that ~~decisions made by the administrator under authorities identified in~~ Code of Federal Regulations, title 40, section 60.634, are not delegated to the commissioner and ~~must be made~~ are retained by the administrator; ~~and~~

B. Code of Federal Regulations, title 40, part 60, subpart LLL, as amended, entitled “Standards of Performance for ~~Onshore Natural Gas Processing: SO₂ SO₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.~~”

CRUDE OIL AND NATURAL GAS PRODUCTION

7011.3325 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS; CRUDE OIL AND NATURAL GAS PRODUCTION, TRANSMISSION AND DISTRIBUTION.

The following new source performance standards are incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart OOOO, as amended through July 1, 2018, entitled “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015”; and

B. Code of Federal Regulations, title 40, part 60, subpart OOOOa, as amended through July 1, 2018, entitled “Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015.”

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7011.3350 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; NONMETALLIC MINERAL PROCESSING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart OOO, as amended, entitled “Standards of Performance for Nonmetallic Mineral Processing Plants,” is ~~adopted and~~ incorporated by reference.

7011.3400 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; WOOL FIBERGLASS INSULATION MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart PPP, as amended, entitled “Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants,” is ~~adopted and~~ incorporated by reference.

7011.3430 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR; VOC EMISSIONS FROM SOCFI REACTOR PROCESSES.

Code of Federal Regulations, title 40, part 60, subpart RRR, as amended, entitled “Standard of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes,” is incorporated by reference, ~~except that the authorities identified in section 60.718, paragraph (b), are not delegated to the commissioner and are retained by the administrator.~~

7011.3450 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS OF PERFORMANCE FOR NEW; MAGNETIC TAPE COATING FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart SSS, as amended, entitled “Standards of Performance for Magnetic Tape Coating Facilities,” is ~~adopted and~~ incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 60.711(a)(16), 60.713(b)(1)(i), 60.713(b)(1)(ii), 60.713(b)(5)(i), 60.713(d), 60.715(a), and 60.716, are not delegated to the commissioner and must be made by the administrator.~~

7011.3500 DEFINITIONS.

Subpart 1. **Scope.** The definitions in Code of Federal Regulations, title 40, ~~section 60.751 subparts Cc, WWW, and XXX,~~ apply to terms in parts 7011.3500 to ~~7011.3510~~ 7011.3525, unless the terms are otherwise defined in this part.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

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

Subp. 6. **Solid waste capacity.** “Solid waste capacity” means the ~~total amount of compacted solid waste design~~ capacity, as defined in Code of Federal Regulations, title 40, section 60.751, that will be in place in the landfill at the time of the expiration of the facility’s solid waste permit, or at the time ultimate capacity is reached.

7011.3505 STANDARDS OF PERFORMANCE FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS EXISTING BEFORE MAY 30, 1991.

Subpart 1. **Scope.** ~~Each~~ The owner or operator of ~~an existing~~ a landfill ~~shall~~ must comply with the requirements of ~~this part and~~ Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, ~~and~~ as incorporated by reference in part 7011.3510, ~~with the following additions and changes: if construction, modification, or reconstruction began before May 30, 1991, and:~~

A. the landfill has accepted solid waste for disposal since November 8, 1987; or

B. the landfill has additional solid waste capacity available for future waste disposal.

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Subp. 2. **Operational standards for collection and control systems.** ~~Each~~ The owner or operator of a landfill that must monitor surface methane concentrations ~~shall~~ must comply with Code of Federal Regulations, title 40, section 60.755(c)(1), except that the owner or operator ~~shall~~ must conduct the monitoring at least three times per year, once during each of the following ~~time~~ periods: March 14 to May 14, June 21 to September 23, and October 21 to November 21.

Subp. 3. **Monitoring of operations.** ~~Each~~ The owner or operator of a landfill ~~owner or operator~~ seeking to comply with Code of Federal Regulations, title 40, section 60.752(b)(2)(iii), may confirm that there is no means to bypass the control device in the design plan, submitted in accordance with Code of Federal Regulations, title 40, section 60.752(b)(2)(i), in lieu of complying with the requirements in Code of Federal Regulations, title 40, ~~sections~~ section 60.756(b)(2) and ~~60.756(c)(2)~~.

Subp. 4. **Reporting requirements.** The owner or operator of a landfill ~~shall~~ must submit the reports required by Code of Federal Regulations, title 40, sections 60.752(a); ~~and 60.757(a)(1), 60.757(a) and (3); and 60.757(b)(1)(i),~~ on the following schedule:

A. the owner or operator of an active landfill, and the owner or operator of a closed ~~existing~~ landfill with a solid waste capacity greater than or equal to 2.5 million megagrams; and 2.5 million cubic meters, ~~shall~~ must submit an initial solid waste capacity report no later than the submittal of the next annual report required by part 7035.2585;

B. the owner or operator of an active landfill that proposes to increase the total solid waste capacity to greater than or equal to 2.5 million megagrams; and 2.5 million cubic meters; ~~shall~~ must submit an amended solid waste capacity report no later than the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity; and

C. the owner or operator of a landfill that must submit an NMOC emission rate report to comply with Code of Federal Regulations, title 40, section 60.757(b), ~~shall~~ must submit the initial NMOC emission rate report no later than the submittal of the next annual report required by part 7035.2585 or the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity, whichever occurs earlier.

Subp. 5. **Compliance times for equipment installation.**

A. ~~Each~~ The owner or operator of ~~an existing a~~ landfill ~~with that~~ has:

(1) a ~~design~~ solid waste capacity greater than or equal to 2.5 million megagrams; and 2.5 million cubic meters; and with

(2) an NMOC emission rate of 50 megagrams per year or more; ~~shall~~ must complete installation of gas collection and control equipment capable of meeting the conditions ~~provided~~ in Code of Federal Regulations, title 40, section 60.752(b)(2)(ii), ~~within 30 months after January 28, 1997 by June 28, 2000.~~

B. The owner or operator of ~~an existing a~~ landfill ~~with that~~ has:

(1) a ~~design~~ solid waste capacity greater than or equal to 2.5 million megagrams; and 2.5 million cubic meters; and

(2) an NMOC emission rate less than 50 megagrams per year on January 28, 1997, ~~shall~~ must comply with this part within 30 months of the date of the first NMOC emission rate that equals or exceeds 50 megagrams per year.

Subp. 6. **Exception to standard or compliance schedule.** ~~An~~ The owner or operator of ~~an existing a~~ landfill seeking to apply a less stringent emission standard or longer compliance schedule than that specified in this part may submit a written request to the ~~agency~~ commissioner and the United States Environmental Protection Agency under Code of Federal Regulations, title 40, section 60.24(f).

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Subp. 7. **NMOC emission rate estimations.** ~~An~~ The owner or operator of ~~an existing~~ a landfill that has a landfill gas collection system in place on January 28, 1997, may comply with Code of Federal Regulations, title 40, section 60.754(a)(5), using the method in Code of Federal Regulations, title 40, section 60.754(b), if the ~~existing landfill~~ owner or operator can demonstrate to the ~~agency commissioner~~ agency commissioner that the system effectively collects landfill gas from all ~~gas-producing~~ gas-producing areas of the landfill; and negative pressure can be maintained at each wellhead without excess air infiltration.

7011.3510 INCORPORATION ~~OF~~ BY REFERENCE; NEW SOURCE PERFORMANCE STANDARD BY REFERENCE STANDARDS; MUNICIPAL SOLID WASTE LANDFILLS EXISTING ON OR AFTER MAY 30, 1991.

Subpart 1. [See repealer.]

Subp. 1a. **Scope.** The requirements of this part apply to the owner or operator of a landfill that began construction, modification, or reconstruction after May 30, 1991.

Subp. 1b. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, entitled “Standards of Performance for Municipal Solid Waste Landfills,” is incorporated by reference.

Subp. 2. **Additional requirements.** The owner or operator of a landfill subject to Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, shall ~~must~~ additionally comply with part 7011.3505, subpart 4.

7011.3515 INCORPORATION BY REFERENCE; NEW SOURCE PERFORMANCE STANDARDS; MUNICIPAL SOLID WASTE LANDFILLS EXISTING AFTER JULY 17, 2014.

Subpart 1. **Scope.** The requirements of this part apply to the owner or operator of a landfill that began construction, modification, or reconstruction after July 17, 2014.

Subp. 2. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart XXX, as amended through July 1, 2018, entitled “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification after July 17, 2014,” is incorporated by reference.

7011.3525 INCORPORATION BY REFERENCE; EMISSION GUIDELINES AND COMPLIANCE TIMES; MUNICIPAL SOLID WASTE LANDFILLS EXISTING ON OR BEFORE JULY 17, 2014.

Subpart 1. **Scope.** The requirements of this part apply to the owner or operator of a landfill that began construction, modification, or reconstruction on or before July 17, 2014.

Subp. 2. **Incorporation by reference; federal emission guidelines.** Code of Federal Regulations, title 40, part 60, subpart Cf, as amended, entitled “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,” is incorporated by reference with the following exceptions:

A. the incorporation of section 60.31f(e) changes the phrase “; 40 CFR part 62, subpart GGG; or a state plan implementing subpart Cc of this part” to “or 40 CFR part 62, subpart GGG.”;

B. the incorporation of section 60.32f changes the phrase “Planning, awarding of contracts, installing, and starting up MSW landfill air emission collection and control equipment that is capable of meeting the Emission Guidelines under § 60.33f must be completed.” to “The owner or operator must complete planning, awarding of contracts, installing, and starting up MSW landfill air emission collection and control equipment that is capable of meeting the Emission Guidelines under § 60.33f.”;

C. the incorporation of section 60.33f(a) does not include the phrase “For approval, a state plan must require” and changes the phrase “to collect and control” to “must collect and control”;

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D. the incorporation of section 60.33f(b) changes the phrase “For approval, a state plan must include provisions for the installation of” to “The owner or operator must install”;

E. the incorporation of section 60.33f(c) changes the phrase “For approval, a state plan must include provisions” to “The owner or operator must provide”;

F. the incorporation of section 60.33f(d) changes the sentence “For approval, a state plan must require each owner or operator of an MSW landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume to submit an initial design capacity report to the Administrator as provided in § 60.38f(a)” to “The owner or operator of an MSW landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume must submit an initial design capacity report to the commissioner as provided in § 60.38f(a)”;

G. the incorporation of section 60.33(e) changes the sentence “For approval, a state plan must require each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 megagrams and 2.5 million cubic meters to either install a collection and control system as provided in paragraphs (b) and (c) of this section or calculate an initial NMOE emission rate for the landfill using the procedures specified in § 60.35f(a)” to “The owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 megagrams and 2.5 million cubic meters must either install a collection and control system as provided in paragraphs (b) and (c) of this section or calculate an initial NMOE emission rate for the landfill using the procedures specified in § 60.35f(a)”;

H. the incorporation of section 60.34f does not include the sentence “For approval, a state plan must include provisions for the operational standards in this section for an MSW landfill with a gas collection and control system used to comply with the provisions of § 60.33f(b) and (c)”;

I. the incorporation of section 60.35f changes the phrase “For approval, a state plan must include” to “The owner or operator must use the”;

J. the incorporation of section 60.36f changes the phrase “For approval, a state plan must include” to “The owner or operator must comply with”;

K. the incorporation of section 60.37f changes the phrase “For approval, a state plan must include” to “The owner or operator must comply with”;

L. the incorporation of section 60.38f:

(1) changes the phrase “For approval, a state plan must include” to “The owner or operator must comply with”;

(2) changes the phrase in paragraph (a) “90 days after the effective date of EPA approval of the state’s plan under section 111(d) of the Clean Air Act” to “12 months after the effective date of this rule”;

(3) changes the phrase in paragraph (c) “90 days after the effective date of EPA approval of the state’s plan under section 111(d) of the Clean Air Act” to “12 months after the effective date of this rule”;

(4) in paragraph (d), does not include the sentence “The state plan must include a process for state review and approval of the site-specific design plan for each gas collection and control system”; and

(5) in paragraph (e), changes the phrase “; 40 CFR part 62, subpart GGG; or a state plan implementing subpart Cc of this part,” to “; or 40 CFR part 62, subpart GGG.”;

M. the incorporation of section 60.39f does not include the sentence “For approval, a state plan must include the recordkeeping provisions in this section”; and

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N. the incorporation of section 60.40f does not include the sentence “For approval, a state plan must include the specifications for active collection systems in this section.”

7011.7040 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ORGANIC HAZARDOUS AIR POLLUTANTS FROM SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart F, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry;” ~~is adopted and incorporated by reference, except that the authorities identified in section 63.106(c) are not delegated to the commissioner and are retained by the administrator; and~~ and

B. Code of Federal Regulations, title 40, part 63, subpart G, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants From The Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater;” ~~is adopted and incorporated by reference, except that the authorities identified in section 63.153(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7050 INCORPORATION BY REFERENCE; EMISSION STANDARDS; INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS; MAJOR SOURCES.

Code of Federal Regulations, title 40, part 63, subpart DDDDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters,” is incorporated by reference, ~~except that the authorities identified in Code of Federal Regulations, title 40, section 63.7570(b), are not delegated to the commissioner and are retained by the administrator.~~

7011.7055 INCORPORATION BY REFERENCE; EMISSION STANDARDS; INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS; AREA SOURCES.

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

7011.7060 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ORGANIC HAZARDOUS AIR POLLUTANTS ~~FROM~~ FOR EQUIPMENT LEAKS.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart H, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks;” ~~is adopted and incorporated by reference, except that the authorities identified in section 63.183(c) are not delegated to the commissioner and are retained by the administrator; and~~ and

B. Code of Federal Regulations, title 40, part 63, subpart I, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;” ~~is adopted and incorporated by reference, except that the authorities identified in section 63.193(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7080 INCORPORATION BY REFERENCE; EMISSION STANDARDS; COKE OVEN BATTERIES.

Code of Federal Regulations, title 40, part 63, subpart L, as amended, entitled “National Emission Standards for Coke Oven Batteries,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.313(d) are not delegated to the commissioner and are retained by the administrator.~~

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7011.7090 INCORPORATION BY REFERENCE; EMISSION STANDARDS; COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS.

Code of Federal Regulations, title 40, part 63, subpart CCCCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.7351(c) are not delegated to the commissioner and~~ are retained by the administrator.

7011.7100 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PERCHLOROETHYLENE DRY CLEANING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart M, as amended, entitled “National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.326(c) are not delegated to the commissioner and~~ are retained by the administrator.

7011.7120 INCORPORATION BY REFERENCE; EMISSION STANDARDS; CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS.

Code of Federal Regulations, title 40, part 63, subpart N, as amended, entitled “National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.348(c) are not delegated to the commissioner and~~ are retained by the administrator.

7011.7140 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ETHYLENE OXIDE EMISSIONS STANDARDS FOR STERILIZATION FACILITIES STERILIZERS.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart O, as amended, entitled “Ethylene Oxide Emissions Standards for Sterilization Facilities;” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.368(c) are not delegated to the commissioner and~~ are retained by the administrator.; and

B. Code of Federal Regulations, title 40, part 63, subpart WWWW, as amended, entitled “National Emission Standards for Hospital Ethylene Oxide Sterilizers.”

7011.7160 INCORPORATION BY REFERENCE; EMISSION STANDARDS; INDUSTRIAL PROCESS COOLING TOWERS.

Code of Federal Regulations, title 40, part 63, subpart Q, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.407(c) are not delegated to the commissioner and~~ are retained by the administrator.

7011.7180 INCORPORATION BY REFERENCE; EMISSION STANDARDS; GASOLINE DISTRIBUTION.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart R, as amended, entitled “National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations);” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.429(c) are not delegated to the commissioner and~~ are retained by the administrator.; and

B. Code of Federal Regulations, title 40, part 63, subpart BBBBBB, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and

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Pipeline Facilities.”

7011.7185 INCORPORATION BY REFERENCE; EMISSION STANDARDS; GASOLINE DISPENSING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart CCCCCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in Code of Federal Regulations, title 40, part 63.11131 (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.7200 INCORPORATION BY REFERENCE; EMISSION STANDARDS; HALOGENATED SOLVENT CLEANING.

Code of Federal Regulations, title 40, part 63, subpart T, as amended, entitled “National Emission Standards for Halogenated Solvent Cleaning,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.470(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7235 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PRIMARY LEAD SMELTING.

Code of Federal Regulations, title 40, part 63, subpart TTT, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.1550(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7240 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SECONDARY LEAD SMELTING.

Code of Federal Regulations, title 40, part 63, subpart X, as amended, entitled “National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.551(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7260 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MARINE TANK VESSEL LOADING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart Y, as amended, entitled “National Emission Standards for Marine Tank Vessel Loading Operations,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.568(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7280 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PETROLEUM REFINERIES.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart CC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries;” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.655(c) are not delegated to the commissioner and are retained by the administrator.~~ and

B. Code of Federal Regulations, title 40, part 63, subpart UUU, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.1578(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7290 INCORPORATION BY REFERENCE; EMISSION STANDARDS; OIL AND NATURAL GAS PRODUCTION, TRANSMISSION, AND STORAGE.

The following national emission standards for hazardous air pollutants are incorporated by reference:

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A. Code of Federal Regulations, title 40, part 63, subpart HH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.776(c) are not delegated to the commissioner and are retained by the administrator;~~ and

B. Code of Federal Regulations, title 40, part 63, subpart HHH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.1286(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7300 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MAGNETIC TAPE MANUFACTURING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart EE, as amended, entitled “National Emission Standards for Magnetic Tape Manufacturing Operations,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.708(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7320 INCORPORATION BY REFERENCE; EMISSION STANDARDS; AEROSPACE MANUFACTURING AND REWORK FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart GG, as amended, entitled “National Emission Standards for Aerospace Manufacturing and Rework Facilities,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.759(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7340 INCORPORATION BY REFERENCE; EMISSION STANDARDS; WOOD FURNITURE MANUFACTURING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart JJ, as amended, entitled “National Emission Standards for Wood Furniture Manufacturing Operations,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.808(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7360 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SHIPBUILDING AND SHIP REPAIR OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart II, as amended, entitled “National Emission Standards for Shipbuilding and Ship Repair (Surface Coating),” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.789(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7370 INCORPORATION BY REFERENCE; EMISSION STANDARDS; BOAT MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart VVVV, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.5776(b) are not delegated to the commissioner and are retained by the administrator.~~

7011.7380 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PRINTING AND PUBLISHING INDUSTRY.

Code of Federal Regulations, title 40, part 63, subpart KK, as amended, entitled “National Emission Standards for the Printing and Publishing Industry,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.831(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7385 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PAPER AND OTHER WEB COATING.

Code of Federal Regulations, title 40, part 63, subpart JJJJ, as amended, entitled “National Emission Standards for

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Hazardous Air Pollutants: Paper and Other Web Coating,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.3420(b) are not delegated to the commissioner and are retained by the administrator.

7011.7390 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MUNICIPAL SOLID WASTE LANDFILLS.

Code of Federal Regulations, title 40, part 63, subpart AAAA, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.1985(c) are not delegated to the commissioner and are retained by the administrator.

7011.7400 INCORPORATION BY REFERENCE; EMISSION STANDARDS; OFF-SITE WASTE OPERATIONS.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart DD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations;” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.698(c) are not delegated to the commissioner and are retained by the administrator.;

B. Code of Federal Regulations, title 40, part 63, subpart OO, as amended, entitled “National Emission Standards for Tanks-Level 1;” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.908(c) are not delegated to the commissioner and are retained by the administrator.;

C. Code of Federal Regulations, title 40, part 63, subpart PP, as amended, entitled “National Emission Standards for Containers;” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.929(c) are not delegated to the commissioner and are retained by the administrator.;

D. Code of Federal Regulations, title 40, part 63, subpart QQ, as amended, entitled “National Emission Standards for Surface Impoundments;” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.949(c) are not delegated to the commissioner and are retained by the administrator.;

E. Code of Federal Regulations, title 40, part 63, subpart RR, as amended, entitled “National Emission Standards for Individual Drain Systems;” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.967(c) are not delegated to the commissioner and are retained by the administrator.; and

F. Code of Federal Regulations, title 40, part 63, subpart VV, as amended, entitled “National Emission Standards for Oil-Water Separators and Organic-Water Separators;” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.1050(c) are not delegated to the commissioner and are retained by the administrator.

7011.7410 INCORPORATION BY REFERENCE; EMISSION STANDARDS; HAZARDOUS WASTE COMBUSTION.

Code of Federal Regulations, title 40, part 63, subpart EEE, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.1214(c) are not delegated to the commissioner and are retained by the administrator.

7011.7420 INCORPORATION BY REFERENCE; EMISSION STANDARDS; POLYMERS AND RESINS.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Group I polymers and resins. Code of Federal Regulations, title 40, part 63, subpart U, as amended, entitled “National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins;” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.507(c) are not delegated to the

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commissioner and are retained by the administrator.;

B. Group II polymers and resins. Code of Federal Regulations, title 40, part 63, subpart W, as amended, entitled “National Emission Standards for Hazardous Air Pollutants ~~from for~~ Epoxy Resins Production and Non-Nylon Polyamides Production;” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.529(e) are not delegated to the commissioner and are retained by the administrator.;~~

C. Group III polymers and resins. Code of Federal Regulations, title 40, part 63, subpart OOO, as amended, entitled “National Emission Standards for Hazardous Air ~~Pollutants for~~ Pollutant Emissions: Manufacture of Amino/Phenolic Resins Production;” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.1419(e) are not delegated to the commissioner and are retained by the administrator.;~~ and

D. Group IV polymers and resins. Code of Federal Regulations, title 40, part 63, subpart JJJ, as amended, entitled “National Emission Standards for Hazardous Air ~~Pollutants for~~ Pollutant Emissions: Group IV Polymers and Resins;” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.1336(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7460 INCORPORATION BY REFERENCE; EMISSION STANDARDS; FERROALLOYS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart XXX, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.1661(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7480 INCORPORATION BY REFERENCE; EMISSION STANDARDS; FLEXIBLE POLYURETHANE FOAM PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart III, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.1309(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7485 INCORPORATION BY REFERENCE; EMISSION STANDARDS; FLEXIBLE POLYURETHANE FOAM PRODUCTION AND FABRICATION OPERATIONS.

The following national air emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart MMMMM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations;” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.8828(e) are not delegated to the commissioner and are retained by the administrator.;~~ and

B. Code of Federal Regulations, title 40, part 63, subpart OOOOOO, as amended, entitled “National Emission Standards for Hazardous Air Pollutants Flexible Polyurethane Foam Production and Fabrication Area Sources.”

7011.7520 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MINERAL WOOL PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart DDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production,” is ~~adopted and incorporated by reference, except that the authorities identified in section 63.1195(e) are not delegated to the commissioner and are retained by the administrator.~~

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7011.7560 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PESTICIDE ACTIVE INGREDIENT PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart MMM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: for Pesticide Active Ingredient Production,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.1369(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7580 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PHARMACEUTICALS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart GGG, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Pharmaceuticals Production,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.1261(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7600 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PHOSPHORIC ACID MANUFACTURING AND PHOSPHATE FERTILIZERS PRODUCTION.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart AA, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: from Phosphoric Acid Manufacturing and Phosphate Fertilizers Production, Plants” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.611(e) are not delegated to the commissioner and are retained by the administrator.; and~~

B. Code of Federal Regulations, title 40, part 63, subpart BB, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants;” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.632(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7610 INCORPORATION BY REFERENCE; EMISSION STANDARDS; HYDROCHLORIC ACID PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart NNNNN, as amended, entitled “National Emission Standards for Hazardous Air Pollutants Pollutant Emissions: Hydrochloric Acid Production,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.9070(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7620 INCORPORATION BY REFERENCE; EMISSION STANDARDS; POLYETHER POLYOLS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart PPP, as amended, entitled “National Emission Standards for Hazardous Air Pollutants Pollutant Emissions for Polyether Polyols Production,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.1421(e) are not delegated to the commissioner and are retained by the administrator.~~

7011.7640 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PORTLAND CEMENT MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart LLL, as amended, entitled “National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.1358(b) are not delegated to the commissioner and are retained by the administrator.~~

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7011.7650 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PRIMARY COPPER SMELTING.

Code of Federal Regulations, title 40, part 63, subpart QQQ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.1458(c) are not delegated to the commissioner and are retained by the administrator.

7011.7660 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PRIMARY ALUMINUM PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart LL, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities listed in section 63.853(e) are not delegated to the commissioner and are retained by the administrator.

7011.7665 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SECONDARY ALUMINUM PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart RRR, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.1519(e) are not delegated to the commissioner and are retained by the administrator.

7011.7670 INCORPORATION BY REFERENCE; EMISSION STANDARDS; STEEL PICKLING - HYDROCHLORIC ACID PROCESS.

Code of Federal Regulations, title 40, part 63, subpart CCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.1166(e) are not delegated to the commissioner and are retained by the administrator.

7011.7675 INCORPORATION BY REFERENCE; EMISSION STANDARDS; INTEGRATED IRON AND STEEL MANUFACTURING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart FFFFF, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.7851(e) are not delegated to the commissioner and are retained by the administrator.

7011.7680 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PUBLICLY OWNED TREATMENT WORKS.

Code of Federal Regulations, title 40, part 63, subpart VVV, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.1594(e) are not delegated to the commissioner and are retained by the administrator.

7011.7700 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PULP AND PAPER PRODUCTION.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart S, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry,” is ~~adopted and~~ incorporated by reference, ~~except that the~~ authorities identified in section 63.458(e) are not delegated to the commissioner and are retained by the administrator.; and

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B. Code of Federal Regulations, title 40, part 63, subpart MM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills;” is adopted and incorporated by reference, except that the authorities identified in section 63.868(b) are not delegated to the commissioner and are retained by the administrator.

7011.7720 INCORPORATION BY REFERENCE; EMISSION STANDARDS; WET-FORMED FIBERGLASS MAT PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart HHHH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.3002(b) are not delegated to the commissioner and are retained by the administrator.

7011.7730 INCORPORATION BY REFERENCE; EMISSION STANDARDS; WOOL FIBERGLASS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart NNN, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing,” is adopted and incorporated by reference, except that the authorities identified in section 63.1388(e) are not delegated to the commissioner and are retained by the administrator.

7011.7740 INCORPORATION BY REFERENCE; EMISSION STANDARDS; CELLULOSE PRODUCTS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart UUUU, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing,” is adopted and incorporated by reference, except that the authorities identified in section 63.5605(b) are not delegated to the commissioner and are retained by the administrator.

7011.7760 INCORPORATION BY REFERENCE; EMISSION STANDARDS; LEATHER FINISHING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart TTTT, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations,” is adopted and incorporated by reference, except that the authorities identified in section 63.5455(c) are not delegated to the commissioner and are retained by the administrator.

7011.7770 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PRINTING, COATING, AND DYEING OF FABRICS AND OTHER TEXTILES.

Code of Federal Regulations, title 40, part 63, subpart OOOO, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles,” is adopted and incorporated by reference, except that the authorities identified in section 63.4370(c) are not delegated to the commissioner and are retained by the administrator.

7011.7780 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MANUFACTURING NUTRITIONAL YEAST.

Code of Federal Regulations, title 40, part 63, subpart CCCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast,” is adopted and incorporated by reference, except that the authorities identified in section 63.2191(c) are not delegated to the commissioner and are retained by the administrator.

7011.7800 INCORPORATION BY REFERENCE; EMISSION STANDARDS; REINFORCED PLASTIC COMPOSITES PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart WWWW, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.5930(c) are not delegated to the commissioner and are retained by

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the administrator.

7011.7820 INCORPORATION BY REFERENCE; EMISSION STANDARDS; POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart J, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.216(b) are not delegated to the commissioner and are retained by the administrator.

7011.7840 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart GGGG, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.2871(c) are not delegated to the commissioner and are retained by the administrator.

7011.7860 INCORPORATION BY REFERENCE; EMISSION STANDARDS; RUBBER TIRE MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart XXXX, as amended, entitled “National ~~Emission~~ Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.6014(c) are not delegated to the commissioner and are retained by the administrator.

7011.7880 INCORPORATION BY REFERENCE; EMISSION STANDARDS; FRICTION MATERIALS MANUFACTURING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart QQQQ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.9560(c) are not delegated to the commissioner and are retained by the administrator.

7011.7900 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF LARGE APPLIANCES.

Code of Federal Regulations, title 40, part 63, subpart NNNN, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.4180(c) are not delegated to the commissioner and are retained by the administrator.

7011.7905 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF METAL COIL.

Code of Federal Regulations, title 40, part 63, subpart SSSS, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.5200(c) are not delegated to the commissioner and are retained by the administrator.

7011.7910 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF METAL FURNITURE.

Code of Federal Regulations, title 40, part 63, subpart RRRR, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.4980(c) are not delegated to the commissioner and are retained by the administrator.

7011.7920 INCORPORATION BY REFERENCE; EMISSION STANDARDS; REFRACTORY PRODUCTS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart SSSSS, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.9822(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7930 INCORPORATION BY REFERENCE; EMISSION STANDARDS; BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart JJJJJ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.8510(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7935 INCORPORATION BY REFERENCE; EMISSION STANDARDS; CLAY CERAMICS MANUFACTURING.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart KKKKK, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.8660(c) are not delegated to the commissioner and are retained by the administrator;~~ and

B. Code of Federal Regulations, title 40, part 63, subpart RRRRRR, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.”

7011.7940 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart LLLLL, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.8697(b) are not delegated to the commissioner and are retained by the administrator;~~ and

B. Code of Federal Regulations, title 40, part 63, subpart AAAAAAA, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.”

7011.7960 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SEMICONDUCTOR MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart BBBBB, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing,” is ~~adopted and~~ incorporated by reference, ~~except that the authorities identified in section 63.7194(c) are not delegated to the commissioner and are retained by the administrator.~~

7011.7980 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ENGINE TEST CELLS/STANDS.

Code of Federal Regulations, title 40, part 63, subpart PPPPP, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards,” is ~~adopted and~~ incorporated by reference, ~~except that the~~

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authorities identified in section 63.9370(c) are not delegated to the commissioner and are retained by the administrator.

7011.8000 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF WOOD BUILDING PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart QQQQ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products,” is ~~adopted and~~ incorporated by reference, except that the authorities identified in section 63.4780(c) are not delegated to the commissioner and are retained by the administrator.

7011.8010 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SITE REMEDIATION.

Code of Federal Regulations, title 40, part 63, subpart GGGGG, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Site Remediation,” is incorporated by reference, ~~except that the authorities identified in~~ section 63.7956, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8020 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PRIMARY MAGNESIUM REFINING.

Code of Federal Regulations, title 40, part 63, subpart TTTTT, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining,” is incorporated by reference, ~~except that the authorities identified in~~ section 63.9941, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8030 INCORPORATION BY REFERENCE; EMISSION STANDARDS; TACONITE IRON ORE PROCESSING.

Code of Federal Regulations, title 40, part 63, subpart RRRRR, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing,” is incorporated by reference, ~~except that the authorities identified in~~ section 63.9651, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8040 INCORPORATION BY REFERENCE; EMISSION STANDARDS; IRON AND STEEL FOUNDRIES.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart EEEEE, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries;” is incorporated by reference, except that the authorities identified in section 63.7761, paragraph (c), are not delegated to the commissioner and are retained by the administrator.; and

B. Code of Federal Regulations, title 40, part 63, subpart ZZZZZ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.”

7011.8050 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart FFFF, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing,” is incorporated by reference, ~~except that the authorities identified in~~ section 63.2545, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.8060 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF METAL CANS.

Code of Federal Regulations, title 40, part 63, subpart KKKK, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans,” is incorporated by reference, ~~except that the authorities~~

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identified in section 63.3560, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8070 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MISCELLANEOUS COATING MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart HHHHH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing,” is incorporated by reference, ~~except that the authorities identified in section 63.8100, paragraph (b), are not delegated to the commissioner and are retained by the administrator.~~

7011.8080 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MERCURY EMISSIONS FROM MERCURY CELL CHLOR-ALKALI PLANTS.

Code of Federal Regulations, title 40, part 63, subpart IIIII, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants,” is incorporated by reference, ~~except that the authorities identified in section 63.8264, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.8090 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart MMMM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products,” is incorporated by reference, ~~except that the authorities identified in section 63.3980, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.8100 INCORPORATION BY REFERENCE; EMISSION STANDARDS; LIME MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 63, subpart AAAAA, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants,” is incorporated by reference, ~~except that the authorities identified in section 63.7141, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.8110 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ORGANIC LIQUIDS DISTRIBUTION (NONGASOLINE).

Code of Federal Regulations, title 40, part 63, subpart EEEE, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Nongasoline Non-Gasoline),” is incorporated by reference, ~~except that the authorities identified in section 63.2402, paragraph (b), are not delegated to the commissioner and are retained by the administrator.~~

7011.8120 INCORPORATION BY REFERENCE; EMISSION STANDARDS; STATIONARY COMBUSTION TURBINES.

Code of Federal Regulations, title 40, part 63, subpart YYYY, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines,” is incorporated by reference, ~~except that the authorities identified in section 63.6170, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.8130 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF PLASTIC PARTS AND PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart PPPP, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products,” is incorporated by reference, ~~except that the authorities identified in section 63.4580, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

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7011.8140 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SURFACE COATING OF AUTOMOBILES AND LIGHT-DUTY TRUCKS.

Code of Federal Regulations, title 40, part 63, subpart IIII, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks,” is incorporated by reference, ~~except that the authorities identified in section 63.3175, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.8150 INCORPORATION BY REFERENCE; EMISSION STANDARDS; STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES.

Code of Federal Regulations, title 40, part 63, subpart ZZZZ, as amended, entitled “National ~~Emission~~ Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines,” is incorporated by reference, ~~except that the authorities identified in section 63.6670, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.8160 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PLYWOOD AND COMPOSITE WOOD PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart DDDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products,” is incorporated by reference, ~~except that the authorities identified in section 63.2291, paragraph (c), are not delegated to the commissioner and are retained by the administrator.~~

7011.8190 INCORPORATION BY REFERENCE; EMISSION STANDARDS; CLOSED VENT SYSTEMS, CONTROL DEVICES, RECOVERY DEVICES AND ROUTING TO A FUEL GAS SYSTEM OR PROCESS.

Code of Federal Regulations, title 40, part 63, subpart SS, as amended, entitled “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process,” is incorporated by reference.

7011.8200 INCORPORATION BY REFERENCE; EMISSION STANDARDS; EQUIPMENT LEAKS.

The following national emission standards for hazardous air pollutants are incorporated by reference:

A. Code of Federal Regulations, title 40, part 63, subpart TT, as amended, entitled “National Emission Standards for Equipment Leaks - Control Level 1”; and

B. Code of Federal Regulations, title 40, part 63, subpart UU, as amended, entitled “National Emission Standards for Equipment Leaks - Control Level 2 Standards.”

7011.8205 INCORPORATION BY REFERENCE; EMISSION STANDARDS; STORAGE VESSELS (TANKS) - CONTROL LEVEL 2.

Code of Federal Regulations, title 40, part 63, subpart WW, as amended, entitled “National Emission Standards for Storage Vessels (Tanks) - Control Level 2,” is incorporated by reference.

7011.8210 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ETHYLENE MANUFACTURING PROCESS UNITS; HEAT EXCHANGE SYSTEMS AND WASTE OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart XX, as amended, entitled “National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations,” is incorporated by reference.

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7011.8215 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ELECTRIC ARC FURNACE STEELMAKING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart YYYYYY, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities,” is incorporated by reference.

7011.8220 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PAINT STRIPPING AND MISCELLANEOUS SURFACE COATING OPERATIONS; AREA SOURCES.

Code of Federal Regulations, title 40, part 63, subpart HHHHHH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources,” is incorporated by reference.

7011.8225 INCORPORATION BY REFERENCE; EMISSION STANDARDS; LEAD ACID BATTERY MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart PPPPPP, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources,” is incorporated by reference.

7011.8230 INCORPORATION BY REFERENCE; EMISSION STANDARDS; WOOD PRESERVING; AREA SOURCES.

Code of Federal Regulations, title 40, part 63, subpart QQQQQQ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources,” is incorporated by reference.

7011.8235 INCORPORATION BY REFERENCE; EMISSION STANDARDS; GLASS MANUFACTURING AREA SOURCES.

Code of Federal Regulations, title 40, part 63, subpart SSSSSS, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources,” is incorporated by reference.

7011.8240 INCORPORATION BY REFERENCE; EMISSION STANDARDS; SECONDARY NONFERROUS METALS PROCESSING AREA SOURCES.

Code of Federal Regulations, title 40, part 63, subpart TTTTTT, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources,” is incorporated by reference.

7011.8245 INCORPORATION BY REFERENCE; EMISSIONS STANDARDS; CHEMICAL MANUFACTURING AREA SOURCES.

Code of Federal Regulations, title 40, part 63, subpart VVVVVV, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources,” is incorporated by reference.

7011.8250 INCORPORATION BY REFERENCE; EMISSION STANDARDS; AREA SOURCE STANDARDS FOR PLATING AND POLISHING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart WWWWWW, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations,” is incorporated by reference.

7011.8255 INCORPORATION BY REFERENCE; EMISSION STANDARDS; METAL FABRICATION AND FINISHING.

Code of Federal Regulations, title 40, part 63, subpart XXXXXX, as amended, entitled “National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories,” is

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incorporated by reference.

7011.8260 INCORPORATION BY REFERENCE; EMISSION STANDARDS; FERROALLOYS PRODUCTION FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart YYYYYY, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities,” is incorporated by reference.

7011.8265 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ALUMINUM, COPPER, AND OTHER NONFERROUS FOUNDRIES.

Code of Federal Regulations, title 40, part 63, subpart ZZZZZZ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries,” is incorporated by reference.

7011.8270 INCORPORATION BY REFERENCE; EMISSION STANDARDS; CHEMICAL PREPARATIONS INDUSTRY.

Code of Federal Regulations, title 40, part 63, subpart BBBBBBBB, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry,” is incorporated by reference.

7011.8275 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PAINTS AND ALLIED PRODUCTS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart CCCCCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing,” is incorporated by reference.

7011.8280 INCORPORATION BY REFERENCE; EMISSION STANDARDS; PREPARED FEEDS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart DDDDDDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing,” is incorporated by reference.

7011.9910 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ARSENIC.

The following national emission standards for hazardous air pollutants are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart N, as amended, entitled “National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants,” except that ~~decisions made by the administrator the authorities identified under Code of Federal Regulations, title 40, sections section 61.164(a)(2) and 61.164(a)(3), are not delegated to the commissioner and must be made~~ are retained by the administrator;

B. Code of Federal regulations, title 40, part 61, subpart O, as amended, entitled “National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters,” except that ~~decisions made by the administrator the authorities identified under Code of Federal Regulations, title 40, sections 61.172(b)(2)(ii)(B); 61.172 and (b)(2)(ii) (C); and 61.174(a)(2); and 61.174(a)(3), are not delegated to the commissioner and must be made~~ are retained by the administrator; and

[For text of item C, see Minnesota Rules]

7011.9920 INCORPORATION BY REFERENCE; EMISSION STANDARDS; ASBESTOS.

Code of Federal Regulations, title 40, part 61, subpart M, as amended, entitled “National Emission Standard for Asbestos,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 61.149(c)(2), 61.150(a)(4), 61.151(c), 61.152(b)(3), 61.154(d), and 61.155(a), are

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not delegated to the commissioner and must be made by the administrator.

7011.9921 DEFINITIONS.

Subpart 1. **Scope.** ~~The following definitions of words and phrases are controlling terms in this part have the meanings given for the purposes of parts 7011.9921 to 7011.9927.~~

Subp. 2. **Air flow permeability.** “Air flow permeability” means the volumetric rate of air flow in cfm, produced by a pressure decrease of 0.5 inches water gage across a new, clean filtering fabric, divided by the area of the fabric in ft². Tests of air flow permeability must be performed as specified in ASTM Designation D737-69.

Subp. 3. [See repealer.]

[For text of subpart 4, see Minnesota Rules]

Subp. 4a. [See repealer.]

Subp. 5. **Debris.** “Debris” means waste produced by ~~the demolition of~~ demolishing a building or structure.

Subp. 6. [Repealed by amendment, L 1987 c 186 s 15]

Subp. 7. **Local exhaust ventilation system.** “Local exhaust ventilation system” means ~~the capture of a system that captures~~ particulate matter generated by a process ~~through the application of~~ by applying an air stream induced at the process and ~~that has~~ which that encloses the process, partially encloses the process, or guides the capturing air flow at the process. ~~The design and operation of ventilation devices must conform with ANSI Z9.2-1971, published by the American National Standards Institute.~~

Subp. 8. **Manufacturing operation.** “Manufacturing operation” means the processing of asbestos or the production of ~~any a~~ any product containing asbestos, with the exception of ~~any a~~ any process in which an ~~asbestos-containing~~ asbestos-containing material is sprayed.

Subp. 9. [See repealer.]

[For text of subpart 10, see Minnesota Rules]

Subp. 11. **Visible emission.** “Visible emission” means any emission ~~which that~~ which that is visually detectable.

Subp. 12. [See repealer.]

7011.9922 MANUFACTURING OPERATIONS.

Subpart 1. **Emissions from local exhaust ventilation system.** Emissions of particulate matter to the atmosphere from a local exhaust ventilation system in a building, structure, facility, or installation within which any manufacturing operation is carried on ~~shall~~ must not exceed the amount ~~which that~~ which that would be emitted if ~~such the~~ such the emissions were treated in a fabric filter installation as described in part 7011.9925.

Subp. 2. **Other emissions.** All other visible emissions of particulate matter to the atmosphere from a building, structure, facility, or installation within which any manufacturing operation is carried on ~~shall~~ must not exceed the amount ~~which that~~ which that would be emitted if ~~such the~~ such the emissions were treated in a fabric filter installation as described in part 7011.9925.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. **Design and operation requirements.** The design and operation of ventilation devices in ventilation systems must conform with ANSI Z9.2, Fundamentals Governing the Design and Operation of Local Exhaust Ventilation Systems (2012), published by the American National Standards Institute. The standard is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

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7011.9923 SPRAYING.

Subpart 1. **Open area.** The spraying in any area open to the outdoor atmosphere of any acoustical insulating, thermal insulating, or fireproofing product ~~which that~~ contains asbestos is prohibited.

Subp. 2. **Emissions to outdoor atmosphere.** Emissions to the outdoor atmosphere of particulate matter from the spraying of any acoustical insulating, thermal insulating, or fireproofing product ~~which that~~ contains asbestos, if ~~such the~~ spraying is not otherwise prohibited by law, ~~shall must~~ not exceed the amounts ~~which that~~ would be emitted to the atmosphere if the area containing ~~such the~~ emissions were treated by a fabric filter installation as described in part 7011.9925.

Subp. 3. **Detectable amount of asbestos.** A product is deemed to contain asbestos if a detectable amount of asbestos is in the product or in any material that goes into the product. "Detectable amount of asbestos" means an amount detectable by x-ray diffraction, petrographic optical microscopy, or any other method approved by the commissioner.

7011.9925 FABRIC FILTER SPECIFICATIONS.

Subpart 1. **Requirements.** Fabric filter collection devices referred to in parts 7011.9922, subparts 1 and 2, and 7011.9923, subpart 2, ~~shall must~~ be operated at not more than four inches water gage pressure decrease as measured across the filter fabric. No bypass devices are permitted. ~~Such The~~ collection devices ~~shall must~~ be equipped with either of the following classes of fabrics:

A. woven fabrics ~~which that~~ have an air flow permeability not exceeding 30 cfm/ft² and ~~which that~~, if constructed of synthetic materials, contain no fill yarn other than ~~that which is~~ spun yarn; or

B. felted fabrics ~~which that~~ have an average density of not less than 14 oz/yd², an average thickness of not less than 1/16 inch, and an air flow permeability of not more than 35 cfm/ft².

Subp. 2. **Failure to meet requirements.** Fabric filter devices do not meet the requirements of this part if any of the following conditions exist: leakage of gases, ~~containing that contain~~ particulate matter; from the control system ~~prior to before~~ filtration; torn or ruptured bags; improperly positioned bags; badly worn or threadbare bags; or presence of visible emissions of particulate matter ~~during the emptying of when~~ collection hoppers ~~are emptied~~.

Subp. 3. **Air flow permeability.** Tests of air flow permeability must be performed as specified in ASTM D737-18, Standard Test Method for Air Permeability of Textile Fabrics (2018), published by ASTM International. The test method is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

7011.9930 INCORPORATION BY REFERENCE; EMISSION STANDARDS; BENZENE.

The following national emission standards for hazardous air pollutants are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart J, as amended, entitled "National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene," except that ~~decisions made by the administrator under the~~ authorities identified in Code of Federal Regulations, title 40, section 61.112(c), are not delegated to the commissioner and ~~must be made~~ are retained by the administrator;

B. Code of Federal Regulations, title 40, part 61, subpart L, as amended, entitled "National Emission Standard for Benzene Emissions from ~~Coke-By-Product~~ Coke By-Product Recovery Plants;" except that ~~decisions made by the~~ administrator under Code of Federal Regulations, title 40, section 61.136(d), are not delegated to the commissioner and ~~must be made by the administrator~~;

C. Code of Federal Regulations, title 40, part 61, subpart Y, as amended, entitled "National Emission Standard

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for Benzene Emissions from Benzene Storage Vessels;” ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 61.273, are not delegated to the commissioner and must be made by the administrator;~~

D. Code of Federal Regulations, title 40, part 61, subpart BB, as amended, entitled “National Emission Standard for Benzene Emissions from Benzene Transfer Operations;” and

E. Code of Federal Regulations, title 40, part 61, subpart FF, as amended, entitled “National Emission Standard for Benzene Waste Operations;” ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, section 61.353, are not delegated to the commissioner and must be made by the administrator.~~

7011.9940 INCORPORATION BY REFERENCE; EMISSION STANDARDS; BERYLLIUM.

The following national emission standards for hazardous air pollutants are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart C, as amended, entitled “National Emission Standard for Beryllium;” and

[For text of item B, see Minnesota Rules]

7011.9950 INCORPORATION BY REFERENCE; EMISSION STANDARDS; MERCURY.

Code of Federal Regulations, title 40, part 61, subpart E, as amended, entitled “National Emission Standard for Mercury,” is ~~adopted and~~ incorporated by reference, ~~except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 61.53(e)(4) and 61.55(d), are not delegated to the commissioner and must be made by the administrator.~~

7011.9960 INCORPORATION BY REFERENCE; EMISSION STANDARDS; RADON.

The following national emission standards for hazardous air pollutants are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart B, as amended, entitled “National Emission Standards for Radon Emissions From Underground Uranium Mines;” and

B. Code of Federal Regulations, title 40, part 61, subpart Q, as amended, entitled “National Emission ~~Standard~~ Standards for Radon Emissions From Department of Energy Facilities;” and

C. Code of Federal Regulations, title 40, part 61, subpart R, as amended, entitled “National Emission Standards for Radon Emissions From Phosphogypsum Stacks;” and

D. Code of Federal regulations, title 40, part 61, subpart T, as amended, entitled “National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings;” and

[For text of item E, see Minnesota Rules]

7011.9970 INCORPORATION BY REFERENCE; EMISSION STANDARDS; RADIONUCLIDES.

The following national emissions standards for hazardous air pollutants are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart H, as amended, entitled “National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities;” and

B. Code of Federal Regulations, title 40, part 61, subpart I, as amended, entitled “National Emission Standards for Radionuclide Emissions From Federal Facilities Licensed by the Other Than Nuclear Regulatory Commission Licensees and Federal Facilities Not Covered by Subpart H;” and

[For text of item C, see Minnesota Rules]

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7011.9980 INCORPORATION BY REFERENCE; EMISSION STANDARDS; VINYL CHLORIDE.

Code of Federal Regulations, title 40, part 61, subpart F, as amended, entitled “National Emission Standard for Vinyl Chloride,” is ~~adopted and~~ incorporated by reference, except that ~~decisions made by the administrator~~ authorities identified under Code of Federal Regulations, title 40, section 61.66, are ~~not delegated to the commissioner and must be made retained~~ by the administrator.

7011.9990 INCORPORATION BY REFERENCE; EMISSION STANDARDS; VOLATILE HAZARDOUS AIR POLLUTANTS.

Code of Federal Regulations, title 40, part 61, subpart V, as amended, entitled “National Emission Standard for Equipment Leaks (Fugitive Emission Sources),” is ~~adopted and~~ incorporated by reference, except that ~~decisions made by the administrator~~ authorities identified under Code of Federal Regulations, title 40, sections 61.242-1(c)(2) and 61.244, are ~~not delegated to the commissioner and must be made retained~~ by the administrator.

7017.0150 GENERAL PROVISIONS OF MONITORING AND TESTING REQUIREMENTS.

References to the administrator in the incorporated federal regulations refer to the commissioner, except when authorities are specifically identified in Code of Federal Regulations or state rule as nondelegable.

7017.1010 INCORPORATION OF FEDERAL MONITORING REQUIREMENTS BY REFERENCE; MONITORING REQUIREMENTS.

Subpart 1. **New source performance standards.** The following regulations are ~~adopted and~~ incorporated by reference:

- A. Code of Federal Regulations, title 40, ~~part~~ section 60.13, as amended, entitled “Monitoring Requirements”;
[For text of items B and C, see Minnesota Rules]

Subp. 2. **National emissions standards for hazardous air pollutants.** The following regulations are ~~adopted and~~ incorporated by reference:

[For text of item A, see Minnesota Rules]

B. ~~National Emissions Standards for Hazardous Air Pollutants~~, Code of Federal Regulations, title 40, section 63.8, as amended, entitled “Monitoring Requirements.”

Subp. 3. [See repealer.]

7017.1020 INCORPORATION BY REFERENCE; CONTINUOUS EMISSION MONITORING BY AFFECTED SOURCES.

Affected sources, as defined in part 7007.0100, subpart 4, ~~shall~~ must comply with Code of Federal Regulations, title 40, part 75, as amended, entitled “Continuous Emission Monitoring,” which is ~~adopted and~~ incorporated by reference.

7017.1170 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR CEMS.

[For text of subparts 1 and 1a, see Minnesota Rules]

Subp. 2. **Quality assurance plan required.** The owner or operator of the facility must develop and implement a written quality assurance plan that covers each CEMS. The plan must be on site and available for inspection within 30 days after monitor certification. The plan must be revised as needed to keep the plan up to date with the facility’s current policies and procedures. The plan must contain all of the information required by Code of Federal Regulations, title 40, part 60, appendix F, section 3, or Code of Federal Regulations, title 40, part 75, Appendix B, as amended. The plan must include the manufacturer’s spare parts list for each CEMS and require that those parts be kept at the facility

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unless the commissioner gives written approval to exclude specific spare parts from the list. ~~The commissioner may approve requested exclusions if the commissioner determines that it is not reasonable to keep a specific part on site after consideration of considering the consequences of a malfunction of the part, the likelihood of a malfunction, the time required to obtain the part, and other pertinent factors.~~

Subp. 3. **Daily calibration drift assessment and adjustment.** The facility owner or operator must conduct daily calibration drift assessments and make adjustments as needed according to the procedure listed in items A and B, Code of Federal Regulations, title 40, section 60.13(d)(1), or Code of Federal Regulations, title 40, part 75, Appendix B, section 2.1, as amended, as applicable, for each pollutant concentration and diluent monitor. The calibration drift assessment must be conducted on each monitor range. The span value specified in the applicable requirement or compliance document must be used to determine the zero and span calibration points. If no span value is specified in the applicable requirement or compliance document, the owner or operator must use a span value equivalent to 1.5 times the emission limit.

A. For an extractive CEMS, minimum drift assessment procedures ~~shall~~ must include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Gases within \pm two percent of tag value ~~shall~~ must be used to perform the span (upscale) drift assessment. The span and zero gas mixtures ~~shall~~ must be the same composition as specified in the applicable performance specification.

B. For a nonextractive, in situ CEMS, minimum drift assessment procedures ~~shall~~ must include upscale checks using a certified calibration gas cell or test cell ~~which that~~ is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

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

7017.1215 INCORPORATION BY REFERENCE; QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR COMS.

For quality assurance and control requirements for COMS, the facility owner or operator must conduct quality assurance and quality control as specified in Procedure 3 - Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources, Code of Federal Regulations, title 40, part 60, Appendix F, as amended, which is ~~adopted and~~ incorporated by reference.

7017.2010 ~~INCORPORATION OF TEST METHODS BY REFERENCE; TEST METHODS.~~

For the purpose of parts 7017.2020 to 7017.2060, the documents in items A to D are incorporated by reference. ~~These documents are subject to frequent change.~~

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

7017.2015 ~~INCORPORATION OF FEDERAL TESTING REQUIREMENTS BY REFERENCE; TESTING REQUIREMENTS.~~

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **New source performance standards.** The following are ~~adopted and~~ incorporated by reference:

A. Code of Federal Regulations, title 40, section 60.8, as amended, entitled "Performance Tests," except that ~~decisions made by the administrator under authorities identified in Code of Federal Regulations, title 40, sections 60.8(b)(2) and 60.8(b)(3), are not delegated to the commissioner and must be made are retained by the administrator.~~

B. Code of Federal Regulations, title 40, section 60.11, as amended, entitled "Compliance with Standards and Maintenance Requirements," except that ~~decisions made under authorities identified in Code of Federal Regulations, title 40, section 60.11(e), are not delegated to the commissioner and must be made are retained by the administrator.~~

Subp. 3. **National emission standards for hazardous air pollutants.** The following are ~~adopted and~~ incorporated by

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reference:

[For text of item A, see Minnesota Rules]

B. Code of Federal Regulations, title 40, section 61.13, as amended, entitled “Emission Tests and Waiver of Emission Tests,” except that ~~decisions made by the administrator under authorities identified in~~ Code of Federal Regulations, title 40, section 61.13(h)(1)(ii), are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

Subp. 4. [See repealer.]

7017.2060 PERFORMANCE TEST PROCEDURES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Sample port location.** The sampling location, as selected by Method 1, ~~shall be~~ is the same for each pollutant during a performance test.

Subp. 3. **Particulate matter determination.** The owner or operator must conduct particulate matter emission tests as required in this subpart.

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

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

Subp. 5. **Opacity determination by Method 9.** Opacity observations ~~shall~~ must be performed by a certified observer and in accordance with the requirements of Method 9. In addition, the requirements of subpart 6 and the following items ~~shall~~ apply:

A. The commissioner ~~may~~ must reject the opacity results if the commissioner cannot determine the compliance status of the emission facility due to error, bias, or insufficient documentation during the performance test. The recommendations of Method 9 and EPA document EPA-600/4-77-027b, Addition Section 3.12 (Feb. 1984), as amended, entitled “Quality Assurance Handbook for Air Pollution Measurement Systems: Volume III. Stationary Source Specific Methods,” which is incorporated by reference, ~~shall~~ must be used in determining the acceptability of opacity results. This document is available ~~at the State Law Library through the Minitex interlibrary loan system~~ and is not subject to frequent change.

B. One series of readings is required for each condition where opacity is required to be tested. Each test run ~~shall comprise~~ consists of 240 consecutive readings at 15-second intervals and ~~shall~~ must be obtained concurrently with a test run for particulate matter, where applicable. Copies of the opacity form showing all readings and required notation ~~shall~~ must be included in the performance test report.

C. The results of continuous monitoring by transmissometer ~~which that~~ indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, ~~provided that if~~ the owner or operator ~~shall meet~~ meets the burden of proving that the instrument used met, at the time of the alleged violation, Performance Specification 1, had been properly maintained and, at the time of the alleged violation, calibrated, and that the resulting data have not been tampered with in any way. The data ~~shall be~~ is subject to the reduction processes in subpart 6.

D. Data reduction ~~shall~~ must be performed in accordance with Paragraph 2.5 of Method 9 and subpart 6. A one-hour period means any 60 consecutive minutes and a six-minute period means any set of 24 consecutive 15-second intervals.

Subp. 6. **Opacity data reduction procedures.** For the purpose of this part, “excursion” means an opacity higher than the base standard that is allowed for a limited number of minutes within a time period. Compliance with opacity limits ~~shall be~~ is determined from all data points collected in an averaging period and according to items A and B.

A. For opacity standards ~~which that~~ allow excursions based on six-minute periods, an exceedance of the

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standard ~~has occurred~~ occurs if, having taken the allowable excursion into account, any six-minute average exceeds the standard. The exceedance ~~shall be~~ is expressed as the value of the highest six-minute average and the number of nonoverlapping six-minute averages that exceed the standard within the period of the test run.

B. For opacity standards that do not allow excursions, an exceedance of the standard ~~has occurred~~ occurs if any six-minute average exceeds the standard. The exceedance ~~shall be~~ is expressed as the value of the highest six-minute average and the number of nonoverlapping six-minute averages that exceed the standard within the period of the test run.

Subp. 7. **Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans determination.** For Method 23, each sample run ~~shall~~ must be at least three hours in duration at an average sampling rate of 0.5 dscf/minute or higher. The minimum sample volume ~~shall be~~ is 90 dscf. Longer test runs may be required by the commissioner ~~in order~~ to collect a greater sample volume if low resolution mass spectroscopy is to be used for analysis of the field samples or as otherwise required by part 7017.2045, subpart 6.

7019.0050 GENERAL PROVISIONS OF EMISSION INVENTORY REQUIREMENTS.

References to the administrator in the incorporated federal regulations refer to the commissioner, except when authorities are specifically identified in Code of Federal Regulations or state rule as nondelegable.

7019.0100 INCORPORATION ~~OF BY REFERENCE~~; NOTIFICATION AND ~~RECORD-KEEPING~~ RECORD-KEEPING REQUIREMENTS ~~BY REFERENCE~~.

Subpart 1. **New source performance standards.** Code of Federal Regulations, title 40, section 60.7, as amended, entitled "Notification and record keeping," is ~~adopted and~~ incorporated by reference.

Subp. 2. **National emission standards for hazardous air pollutants.** The following are ~~adopted and~~ incorporated by reference:

[For text of item A, see Minnesota Rules]

B. Code of Federal Regulations, title 40, section 63.10, as amended, entitled "~~Record keeping~~ Recordkeeping and reporting requirements."

[For text of items C and D, see Minnesota Rules]

Subp. 3. [See repealer.]

7019.3030 METHOD OF CALCULATION.

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

C. For purposes of selecting a calculation method, a method is considered available if the conditions associated with the method in parts 7019.3040 to 7019.3100 are met. The method described in part 7019.3100 may be used, provided that the proposal is submitted to the ~~division manager~~ commissioner by September 1 of the first year for which the emissions are being calculated. The commissioner ~~shall~~ must reject data submitted using the methods described in parts 7019.3040 to 7019.3090 if the conditions for the method are not fully met.

TERM CHANGE. The term "agency," when it refers to the Minnesota Pollution Control Agency, is changed to "commissioner" wherever it appears in Minnesota Rules, parts 7011.0115, 7011.0120, 7011.0520, 7011.0535, 7011.0615, 7011.0720, 7011.0917, 7011.1285, 7011.1320, 7011.1325, 7011.1430, 7011.1625, 7011.1910, 7011.1915, 7011.2010, 7011.2015, 7011.2300, and 7011.3505.

REPEALER. Minnesota Rules, parts 7005.0100, subparts 9a and 42b; 7011.1405, subpart 4; 7011.1410, subpart 4; 7011.3500, subparts 2 and 3; 7011.3510, subpart 1; 7011.7000; 7011.8170; 7011.9900; 7011.9921, subparts 3, 4a, 9, and 12; 7017.1010, subpart 3; 7017.2015, subpart 4; and 7019.0100, subpart 3, are repealed.

Commissioners Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Division of Fish and Wildlife

Commissioner's Order 19-01: Designation of Wildlife Management Areas (WMAs)

Statutory authority: *Minnesota Statutes*, section 97A.135, subdivision 1, *Minnesota Statutes*, section 97A.145, subdivision 1, *Minnesota Statutes*, section 86A.05, subdivision 8, and *Minnesota Statutes*, section 86A.07, subdivision 3.

BACKGROUND

WHEREAS, certain lands in Minnesota are described as:

Bakers Lake WMA, Tract 11, McLeod County, 8.74 Acres, Acq: 160280

That part of Government Lot 1, Section 17, Township 114 North, Range 29 West, McLeod County, Minnesota, described as follows:

Commencing at the northeast corner of said Government Lot 1; thence South 00° 07' 40" West, assumed bearing along the east line of said Government Lot 1 a distance of 570.50 feet to the point of beginning of the land to be described; thence North 89° 53' 32" West 35.60 feet; thence North 00° 07' 52" East 61.16 feet; thence South 77° 16' 55" West 116.56 feet; thence South 44° 44' 11" West 555.34 feet; thence South 71° 35' 35" West 164.51 feet; thence South 00° 38' 10" seconds East 164.83 feet; thence North 89° 54' 21" East 125.34 feet; thence South 00° 19' 50" East 175.23 feet to the south line of said Government Lot 1; thence North 89° 35' 30" East, along said south line 566.29 feet to the southeast corner of said Government Lot 1; thence North 00° 07' 40" East, along said east line of Government Lot 1 a distance of 746.67 feet to the point of beginning.

Cannon River Trout Lily WMA, Tract/Phase 1, Rice County, 108.53 Acres, Acq: 160571

The NW ¼ of the NW ¼ of Section 21, Township 110 North, Range 20 West of the 5th Principal Meridian, Rice County, Minnesota.

The SW ¼ of the NE ¼ of Section 20, Township 110 North, Range 20 West of the 5th Principal Meridian, Rice County, Minnesota, EXCEPTING THEREFROM the East 13 acres thereof.

The SW ¼ of the SW ¼ of Section 16, and the right to use as right of way the west 1 rod of the S ½ of the NE ¼ of the NW ¼ of said Section 21; and the SE ¼ of Section 17 lying south and east of the Cannon River, All in Township 110 North, Range 20 West of the 5th Principal Meridian, Rice County, Minnesota.

EXCEPTING THEREFROM:

That part of the NW ¼ of the NW ¼ of Section 21 and the NE ¼ of the NE ¼ of Section 20, all in Township 110 North, Range 20 West, Rice County, Minnesota, described as follows:

Beginning at the Northeast corner of said Section 20; thence South 89° 38' 27" West, assumed bearing, along the north line of the NE ¼ of the NE ¼ of said Section 20, a distance of 15.49 feet; thence South 18° 05' 51" East, a distance of 352.36 feet; thence South 13° 15' 18" East, a distance of 194.88 feet; thence South 42° 49' 08" East, a distance of 145.01 feet; thence South 05° 31' 37" East, a distance of 72.47 feet; thence South 64° 48' 03" West, a distance of 132.48 feet; thence South 15° 28' 07" East, a distance of 211.45 feet; thence

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South 11° 37' 41" West, a distance of 354.41 feet to the south line of the NW ¼ of the NW ¼ of said Section 21; thence South 89° 43' 40" East along said south line, a distance of 771.17 feet; thence North 00° 10' 55" East, a distance of 1,312.15 feet to the north line of said NW ¼ of the NW ¼; thence North 89° 51' 59" West along said north line, a distance of 884.60 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM:

All that part thereof lying within the following described parcel of land-to-wit:

Part of the SW ¼ of the SW ¼ of Section 16, and part of the SE ¼ of Section 17, and part of the N ½ of the NE ¼ of Section 20; ALL being in Township 110 North, Range 20 West of the 5th Principal Meridian, Rice County, Minnesota, described as follows:

Beginning at the Southwest corner of said North ½ of the NE ¼ of Section 20; thence North 00° 14' 38" East, along the west line of said North ½ of the NE ¼ (for purposes of this description bearings are assumed and based on said west line being North 00° 14' 38" East), about 820 feet to the south shore of the Cannon River; thence northerly and easterly along the southerly and easterly shore of said River, about 3,900 feet to a point in the west line of the SW ¼ of said Section 16; thence South 00° 44' 11" West, along said west line about 460 feet to the NW ¼ corner of said SW ¼ of the SW ¼ of Section 16; thence South 89° 54' 34" East, along the north line of said SW ¼ of the SW ¼, 1,319.70 feet to the NE corner of said SW ¼ of the SW ¼; thence South 00° 37' 48" West, along the east line of said SW ¼ of the SW ¼, 645.86 feet; thence South 90° 00' 00" West, 312.68 feet; thence South 39° 04' 01" West, 58.70 feet; thence South 1° 10' 28" East, 382.82 feet; thence South 34° 13' 43" East, 62.26 feet, thence South 74° 12' 40" East, 80.61 feet; thence South 02° 30' 00" East, 169.35 feet to a point in the south line of said SW ¼ of the SW ¼; thence North 89° 51' 58" West, along said south line, 761.67 feet; thence North 10° 35' 12" West, 117.42 feet; thence North 82° 12' 18" West, 270.38 feet; thence South 82° 30' 53" West, 128.49 feet; thence South 15° 46' 33" East, 140.02 feet to a point in the south line of said SW ¼ of Section 17; thence South 89° 38' 27" West, along said south line 306.26 feet; thence North 31° 26' 06" West, 121.40 feet; thence North 03° 52' 33" East, 87.43 feet; thence North 00° 20' 03" West, 279.85 feet; thence North 74° 53' 51" East, 69.75 feet; thence South 85° 02' 49" East, 91.77 feet; thence North 32° 26' 07" East, 175.86 feet; thence North 56° 03' 15" East, 99.12 feet; thence North 20° 03' 25" East, 60.03 feet; thence North 19° 57' 05" West, 94.18 feet; thence South 81° 52' 00" West, 281.87 feet; thence South 78° 11' 12" West, 484.50 feet; thence North 01° 07' 50" East, 148.01 feet; thence South 84° 24' 22" West, 487.20 feet; thence South 12° 07' 31" East, 189.72 feet; thence South 54° 31' 53" East, 172.56 feet; thence South 23° 02' 26" East, 176.88 feet; thence South 10° 06' 18" East, 273.42 feet; thence South 58° 56' 45" West, 142.77 feet; thence South 79° 45' 56" West, 179.08 feet; thence North 78° 29' 56" West, 555.36 feet; thence South 33° 10' 51" West, 227.86 feet; thence South 28° 44' 47" West, 264.23 feet; thence South 23° 33' 51" West, 224.65 feet; thence South 42° 07' 45" East, 392.32 feet; thence South 13° 47' 56" East, 492.52 feet to a point in the south line of said North ½ of the NE ¼ of Section 20; thence South 89° 39' 12" West, along said south line, 836.19 feet to said point of beginning.

AND ALSO EXCEPTING THEREFROM:

Part of the SE ¼ of Section 17 and part of the North ½ of the NE ¼ of Section 20, all in Township 110 North, Range 20 West of the 5th Principal Meridian, Rice County, Minnesota, described as follows:

Commencing at the SW corner of said N ½ of the NE ¼ of section 20; thence easterly along the south line of said N ½ of the NE ¼ of Section 20; thence easterly along the south line of said N ½ of the NE ¼ (for purposes of this description bearing are assumed and based on said south line being North 89° 39' 12" East), a distance of 836.19 feet; thence North 13° 47' 56" West, 492.52 feet to the point of beginning of the parcel to be herein described; said point being in the east line of a parcel previously transferred to the Nature Conservancy; thence northwesterly, northeasterly, and easterly along said Nature Conservancy boundary on the following 5 courses: 1) North 42° 07' 45" West, 392.32 feet; 2) North 23° 33' 51" East, 224.65 feet; 3) North 28° 44' 47" East, 265.23 feet; 4) North 33° 10' 51" East, 227.86 feet; 5) South 78° 29' 56" East, 163.66 feet; thence South 00° 14' 43" West, 628.60 feet; thence North 89° 22' 37" West, 246.55 feet; thence South 02° 17' 28" East, 260.91 feet to said point of beginning.

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AND ALSO EXCEPTING THEREFROM:

That part of the NW ¼ of the NW ¼ of Section 21 and the NE ¼ of the NE ¼ of Section 20, ALL IN Township 110 North, Range 20 West, Rice County, Minnesota, described as follows:

Commencing at the NE corner of said Section 20; thence South 89° 38' 27" West, assumed bearing, along the north line of the NE ¼ of the NE ¼ of said Section 20, a distance of 15.49 feet; thence South 18° 05' 51" East, a distance of 105.00 feet to the point of beginning; thence continuing South 18° 05' 51" East, a distance of 247.36 feet; thence South 13° 15' 18" East, a distance 145.01; thence South 05° 31' 37" East, a distance of 72.47 feet; thence South 64° 48' 03" West, a distance of 132.48 feet; thence South 15° 28' 07" East, a distance of 211.45 feet; thence South 11° 37' 41" West, a distance of 354.41 feet to the south line of the NW ¼ of the NW ¼ of said Section 21; thence North 89° 43' 40" West along said south line, a distance of 114.32 feet to the southeast corner of the NE ¼ of the NE ¼ of said Section 20; thence South 89° 39' 12" West along the south line of said NE ¼ of the NE ¼, a distance of 391.64 feet; thence North 09° 22' 40" East, a distance of 355.46 feet thence North 00° 43' 26" West, a distance of 237.35 feet; thence North 85° 24' 03" East, a distance of 195.76 feet; thence North 06° 42' 43" West, a distance of 348.61 feet; thence North 26° 41' 53" West, a distance of 149.06 feet; thence North 16° 20' 16" West, a distance of 132.78 feet; thence North 89° 38' 27" East, a distance of 308.83 feet to the point of beginning.

Cannon River Trout Lily WMA, Tract 1A/Phase 2, Rice County, 20.99 Acres, Acq: 160646

That part of the NW ¼ of the NW ¼ of Section 21 and the NE ¼ of the NE ¼ of Section 20, all in Township 110 North, Range 20 West, Rice County, Minnesota, described as follows:

Beginning at the Northeast corner of said Section 20; thence South 89° 38' 27" West an assumed bearing, on the north line of the NE ¼ of the NE ¼ of said Section 20, a distance of 15.49 feet; thence South 18° 05' 51" East, a distance of 352.36 feet; thence South 13° 15' 18" East, a distance of 194.88 feet; thence South 42° 49' 08" East, a distance of 145.01 feet; thence South 05° 31' 37" East, a distance of 72.47 feet; thence South 64° 48' 03" West, a distance of 132.48 feet; thence South 15° 28' 07" East, a distance of 211.45 feet; thence South 11° 37' 41" West, a distance of 354.41 feet to the south line of the NW ¼ of the NW ¼ of said Section 21; thence South 89° 43' 40" East on said south line, a distance of 771.17 feet; thence North 00° 10' 55" East, a distance of 1,312.15 feet to the north line of said NW ¼ of the NW ¼; thence North 89° 51' 59" West on said north line, a distance of 884.60 feet to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

That part of the NW ¼ of the NW ¼ of Section 21, Township 110 North, Range 20 West, Rice County, Minnesota, described as follows:

Commencing at the W ¼ Corner of said Section 21; thence North 00° 13' 14" East (bearings based on Rice County Coordinate System NAD83, 1996 Adjustment) on the west line of said NW ¼, a distance of 1,310.01 feet to the SW Corner of said NW ¼ of the NW ¼; thence South 89° 43' 40" East on the south line of said NW ¼ of the NW ¼, a distance of 144.92 feet to the point of beginning; thence continuing South 89° 43' 40" East on said south line, a distance of 420.00 feet; thence North 00° 16' 20" East, a distance of 219.50 feet; thence North 89° 43' 40" West, a distance of 375.92 feet; thence South 11° 37' 40" West, a distance of 223.88 feet to the point of beginning.

TOGETHER WITH a 15 foot wide easement for access, over and across that part of the SW ¼ of the NW ¼ of Section 21, Township 110 North, Range 20 West, Rice County, Minnesota. Said easement being a strip of land 15 feet wide, lying right of and adjacent to the following described line:

Commencing at the W ¼ Corner of said Section 21; thence North 00° 13' 14" East (bearings based on Rice County Coordinate System NAD83, 1996 Adjustment) on the west line of said SW ¼ of the NW ¼, a distance of 841.86 feet to the point of beginning; thence continuing North 00° 13' 14" East on said west line, a distance of 408.78 feet; thence North 07° 26' 40" East, a distance of 42.95 feet; thence North 56° 21' 19" East, a distance of 30.02 feet to north line of said SW ¼ of the NW ¼; thence South 89° 43' 40" seconds East on said north line, a distance of 114.59 feet and there terminating.

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Center Creek WMA, Tract 8, Martin County, 118.46 Acres, Acq: 160559

That part of the East 362 feet of the SE ¼ of the SE ¼ of Section 20 and that part of the SW ¼ of the SW ¼, The E ½ of the SW ¼ and the NW ¼ of the SE ¼ of Section 21, Township 103 North, Range 29 West, Martin County, Minnesota, described as follows:

Commencing at the SW corner of said Section 21; thence on an assumed bearing of South 89° 13' 04" East, along the south line of said section, a distance of 313.00 feet to an iron monument; thence North 2° 00' East a distance of 148.37 feet to an iron monument located on the southeasterly right of way line of a railroad; thence continuing North 2° 00' East a distance of 111.35 feet to an iron monument located on the northwesterly right of way line of said railroad, said last described iron monument being the point of beginning of the tract to be described; thence South 65° 54' 07" West, along said northwesterly right of way line, a distance of 621.26 feet to the south line of said Section 20; thence North 89° 37' 08" West, along said south line, a distance of 116.92 feet to the west line of the East 362 feet of the SE ¼ of the SE ¼ of said section; thence North 0° 07' 24" East, along said west line, a distance of 1,322.29 feet to the north line of the SE ¼ of the SE ¼ of said section; thence South 89° 39' 43" East, along said north line, a distance of 362.00 feet to the NW corner of the SW ¼ of the SW ¼ of said Section 21; thence South 89° 11' 36" seconds East, along the north line of said SW ¼ of the SW ¼, a distance 1,321.75 feet to the NE corner of said SW ¼ of the SW ¼; thence North 0° 16' 31" East, along the west line of the NE ¼ of the SW ¼ of said section, a distance of 1,321.96 feet to the NW ¼ corner of said NE ¼ of the SW ¼; thence South 89° 10' 08" East, along the east-west ¼ line of said section, a distance of 1,325.27 feet to the Center of said section; thence South 89° 10' 08" East, along said east-west ¼, a distance of 1328.59 feet to the NE corner of the NW ¼ of the SE ¼ of said section; thence South 0° 23' 46" West, along the east line of said NW ¼ of the SE ¼, a distance of 696.17 feet to the northwesterly right of way line of said railroad; thence South 65° 54' 07" West, along said northwesterly right of way line, a distance of 4,006.76 feet to the point of beginning.

TOGETHER WITH that part of the Southwest Quarter of the Southwest Quarter of Section 21, Township 103 North, Range 29 West, Martin County, Minnesota, described as follows:

Beginning at the Southwest corner of said Section 21; thence on an assumed bearing of South 89° 13' 04" East, along the south line of said section, a distance of 313.00 feet to an iron monument; thence North 2° 00' East a distance of 148.37 feet to an iron monument located on the southeasterly right of way line of a railroad; thence South 65° 54' 07" West, along said southeasterly right of way line, a distance of 348.52 feet to the west line of said section; thence South 0° 07' 24" West, along said west line, a distance of 1.70 feet to the point of beginning.

SUBJECT TO:

A 40 foot wide Easement of Access over that part of the SE ¼ of the SE ¼ of Section 20 and the SW ¼ of the SW ¼ of Section 21 all in Township 103 North, Range 29 West, Martin County, Minnesota. The easterly and northwesterly lines of said easement are described as follows:

Commencing at the SW corner of said Section 21; thence on an assumed bearing of South 89° 13' 04" East, along the south line of said section, a distance of 313.00 feet to an iron monument, said iron monument being the point of beginning of the easterly and northwesterly lines to be described; thence North 2° 00' East a distance of 148.37 feet to an iron monument located on the southeasterly right of way line of a railroad; thence North 24° 05' 53" West a distance of 140.00 feet; thence South 65° 54' 07" West a distance of 563.60 feet; thence North 89° 37' 08" West a distance of 108.42 feet to the west line of the East 362.00 feet of the SE ¼ of the SE ¼ of said Section 20 and said easterly and northwesterly lines there terminating.

Choice WMA, Tract 12, Fillmore County, 339.84 Acres, Acq: 160584

The SW 1/4 of Section 34, Township 103, Range 8, Fillmore County, Minnesota.

EXCEPTING THEREFROM:

That part of the SW ¼ of said Section 34 described as follows:

Commencing at the S ¼ corner of said Section 34; thence North 00° 40' 28" West, assumed bearing along the east line of said SW ¼, a distance of 686.17 feet to the point of beginning; thence South 89° 13' 32" West, a

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distance of 34.30 feet; thence South 31° 35' 09" West, a distance of 220.13 feet; thence South 48° 52' 30" West, a distance of 223.42 feet; thence South 26° 31' 03" West, a distance of 293.85 feet; thence South 89° 36' 15" West, a distance of 483.60 feet; thence North 34° 10' 28" East, a distance of 445.65 feet; thence North 55° 11' 09" East, a distance of 197.66 feet; thence North 43° 41' 50" East, a distance of 193.28 feet; thence North 01° 36' 06" West, a distance of 244.84 feet; thence North 57° 04' 51" West, a distance of 260.96 feet; thence North 00° 08' 22" West, a distance of 578.53 feet; thence North 72° 43' 15" East, a distance of 291.13 feet; thence North 00° 39' 40" West, a distance of 257.35 feet; thence South 89° 21' 31" West, a distance of 128.81 feet; thence North 00° 09' 11" West, a distance of 415.14 feet; thence North 89° 48' 23" East, a distance of 448.22 feet to the east line of said SW ¼; thence South 00° 40' 28" East along said east line a distance of 1,744.38 feet to the point of beginning.

AND

The S ½ of the SE ¼ of Section 34, Township 103, Range 8, Fillmore County, Minnesota.

EXCEPTING THEREFROM:

That part of the S ½ of the SE ¼ of said Section 34 described as follows:

Commencing at the S ¼ corner of said Section 34; thence North 00° 40' 28" West, assumed bearing along the west line of said S ½ of the SE ¼, a distance of 608.09 feet to the point of beginning; thence continuing North 00° 40' 28" West along said west line a distance of 637.02 feet to the north line of said S ½ of the SE ¼; thence South 87° 07' 55" East along said north line, a distance of 854.90 feet; thence South 24° 45' 58" East, a distance of 662.30 feet; thence South 04° 32' 10" West, a distance of 123.36 feet; thence South 38° 14' 11" West, a distance of 112.94 feet; thence South 72° 48' 20" West, a distance of 140.63 feet; thence North 81° 39' 34" West, a distance of 155.38 feet; thence North 72° 54' 46" West, a distance of 195.98 feet; thence North 79° 28' 02" West, a distance of 481.61 feet; thence South 78° 11' 14" West, a distance of 86.72 feet; thence North 08° 52' 14" West, a distance of 43.70 feet; thence North 03° 11' 09" West, a distance of 26.35 feet; thence North 03° 00' 34" West, a distance of 40.59 feet to the point of beginning.

AND

The NE ¼ of Section 3, Township 102, Range 8, Fillmore County, Minnesota.

EXCEPTING THEREFROM:

7 and 151/160 acres located South and East of the centerline of County Road number 8, also known as County Highway 13.

Choice WMA, Tract 13, Fillmore County, 138.29 Acres, Acq: 160797

The NE ¼ of the NW ¼ AND the NW ¼ of the NW ¼, AND the N ½ of the SW ¼ of the NW ¼, Section 3, Township 102, Range 8, Fillmore County, Minnesota.

AND

The NE ¼ of the NE ¼ AND the N ½ of the SE ¼ of the NE ¼, Section 4, Township 102, Range 8, Fillmore County, Minnesota.

EXCEPTING THEREFROM:

That part the of the NE ¼ of the NE ¼ and the N ½ of the SE ¼ off the NE ¼, Section 4, Township 102, Range 8, Fillmore County, Minnesota, lying west of State Trunk Highway 43.

Discors WMA, Tract 3, Lincoln County, 88.65 Acres, Acq: 160633

The N ½ of the SE ¼ and the SE ¼ of the SE ¼ in Section 5, Township 109 North, Range 44 West of the 5th Principal

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Meridian., Lincoln County, Minnesota, according to the Government Survey thereof.

EXCEPTING THEREFROM:

That part of the N ½ of the SE ¼ of Section 5, Township 109 North, Range 44 West of the 5th Principal Meridian., bounding by the following described lines:

Beginning at the E ¼ corner of said Section 5; thence North 88° 58' West 2,155.0 feet along the E ¼ line of said Section 5; thence South 01° 30' East 594.0 feet; thence South 88° 58' East 1,584.0 feet; thence North 00° 00' East 495.0 feet; thence South 88° 58' East 556.2 feet to the east line of said Section 5; thence North 00° 00' East 99.0 feet along the east line of said Section 5 to the E ¼ corner thereof and the point of beginning.

AND ALSO EXCEPTING THEREFROM:

That part of the SE ¼ of Section 5, Township 109 North, Range 44 West, Lincoln County, Minnesota, being more particularly described as follows:

Commencing at the NE corner of said SE ¼; thence North 89° 49' 59" West, bearing based on Lincoln County Coordinate System, along the north line of said SE ¼, a distance of 2,155.00 feet, to the POINT OF BEGINNING; thence South 02° 21' 59" East a distance of 594.00 feet; thence South 89° 49' 59" East a distance of 1,613.00 feet; thence South 07° 11' 01" East a distance of 347.05 feet; thence South 47° 33' 37" East a distance of 53.47 feet; thence North 88° 23' 56" East a distance of 448.00 feet, to a point on the east line of said SE ¼; thence South 00° 47' 19" East, along said east line, a distance of 45.00 feet; thence South 88° 23' 56" West a distance of 404.30 feet; thence South 00° 42' 03" West a distance of 361.89 feet; thence South 88° 36' 47" West a distance of 410.71 feet; thence North 01° 08' 14" East a distance of 738.16 feet; thence North 62° 57' 42" West a distance of 95.77 feet; thence South 88° 01' 21" West a distance of 759.94 feet; thence North 88° 13' 43" West a distance of 237.53 feet; thence North 79° 54' 57" West a distance of 129.28 feet; thence North 89° 49' 59" West a distance of 144.69 feet; thence North 02° 21' 59" West a distance of 74.84 feet; thence North 53° 28' 45" West a distance of 181.21 feet; thence North 05° 55' 06" East a distance of 428.40 feet, to a point on the north line of said SE ¼; thence South 89° 49' 59" East, along said north line, a distance of 94.40 feet, to the point of beginning.

AND ALSO EXCEPTING THEREFROM:

That part of the SE ¼ of the SE ¼ of Section 5, Township 109 North, Range 44 West, Lincoln County, Minnesota, being more particularly described as follows:

Beginning at the SW corner of said SE ¼ of the SE ¼; thence North 01° 39' 39" West, bearing based on Lincoln County Coordinate System, along the west line of said SE ¼ of the SE ¼, a distance of 1,327.87 feet; thence South 89° 56' 56" East a distance of 18.11 feet; thence South 01° 22' 40" East a distance of 375.25 feet; thence South 00° 47' 37" East a distance of 286.70 feet; thence South 01° 00' 31" East a distance of 296.07 feet; thence South 00° 53' 51" East a distance of 319.16 feet; thence South 03° 13' 02" West a distance of 50.40 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM:

That part of the NW ¼ of the SE ¼ of Section 5, Township 109 North, Range 44 West, Lincoln County, Minnesota, being more particularly described as follows:

Beginning at the NW corner of said NW ¼ of the SE ¼; thence South 02° 31' 39" East, bearing based on Lincoln County Coordinate System, along the west line of said NW ¼ of the SE ¼, a distance of 1,334.33 feet to a point on the south line of said NW ¼ of the SE ¼; thence South 89° 57' 19" East, along said south line, a distance of 4.87 feet; thence North 02° 25' 47" West a distance of 302.43 feet; thence North 02° 26' 46" West a distance of 296.57 feet; thence North 02° 32' 33" West a distance of 265.24 feet; thence North 02° 30' 18" West a distance of 470.03 feet to a point on the north line of said NW ¼ of the SE ¼; thence North 89° 50' 00" West, along said north line, a distance of 5.92 feet to the point of beginning.

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AND

That part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 109 North, Range 44 West, Lincoln County, Minnesota, described as follows:

Beginning at the NE corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence North $89^{\circ} 57' 19''$ West, bearing based on Lincoln County Coordinate System, along the north line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, a distance of 1,315.63 feet; thence South $02^{\circ} 25' 47''$ East a distance of 13.85 feet; thence North $89^{\circ} 18' 06''$ East a distance of 408.33 feet; thence North $89^{\circ} 26' 16''$ East a distance of 293.26 feet; thence North $89^{\circ} 33' 18''$ East a distance of 306.35 feet; thence South $89^{\circ} 56' 56''$ East a distance of 307.25 feet to a point on the east line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence North $01^{\circ} 39' 39''$ West, along said east line, a distance of 2.85 feet to the point of beginning.

Discors WMA, Tract 3A, Lincoln County, 2.4 Acres, Acq: 160635

That part of the Southeast Quarter of Section 5, Township 109 North, Range 44 West, Lincoln County, Minnesota, described as follows:

Commencing at the NE corner of said SE $\frac{1}{4}$; thence North $89^{\circ} 49' 59''$ West, bearing based on Lincoln County Coordinate System, along the north line of said SE $\frac{1}{4}$ 2,155.00 feet to the POINT OF BEGINNING; thence South $02^{\circ} 21' 59''$ East 594.00 feet; thence South $89^{\circ} 49' 59''$ East 1,340.96 feet; thence South $01^{\circ} 08' 14''$ West 58.78 feet to Point 'A' described below; thence North 62 degrees 57 minutes 42 seconds West 95.77 feet; thence South $88^{\circ} 01' 21''$ West 759.94 feet; thence North $88^{\circ} 13' 43''$ West 237.53 feet; thence North $79^{\circ} 54' 57''$ West 129.28 feet; thence North $89^{\circ} 49' 59''$ West 144.69 feet; thence North $02^{\circ} 21' 59''$ West 74.84 feet; thence North $53^{\circ} 28' 45''$ West 181.21 feet; thence North $05^{\circ} 55' 06''$ East 428.40 feet to a point on the north line of said SE $\frac{1}{4}$; thence South $89^{\circ} 49' 59''$ East along said north line 94.40 feet to the point of beginning.

LOCATION OF POINT 'A'

Commencing at the NE corner of said SE $\frac{1}{4}$; thence North $89^{\circ} 49' 59''$ West, bearing based on Lincoln County Coordinate System, along the north line of said SE $\frac{1}{4}$ 2,155.00 feet; thence South $02^{\circ} 21' 59''$ East 594.00 feet; thence South $89^{\circ} 49' 59''$ East 1,613.00 feet; thence South $07^{\circ} 11' 01''$ East 347.05 feet; thence South $47^{\circ} 33' 37''$ East 53.47 feet; thence North $88^{\circ} 23' 56''$ East 448.00 feet to a point on the east line of said SE $\frac{1}{4}$; thence South $00^{\circ} 47' 19''$ East along said east line 45.00 feet; thence South $88^{\circ} 23' 56''$ West 404.30 feet; thence South $00^{\circ} 42' 03''$ West 361.89 feet; thence South $88^{\circ} 36' 47''$ West 410.71 feet; thence North $01^{\circ} 08' 14''$ East 738.16 feet to Point 'A'.

Factor WMA, Tract 4, Le Sueur County, 100 Acres, Acq: 160414

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ in Section 7, and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 6, all in Township 110, Range 23 West, and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 12, in Township 110, Range 24 West, according to the plat thereof on file and of record in the Office of the Register of Deeds and for the County of Le Sueur, Minnesota.

Gruhl WMA, Tract 2, Clay County, 160.01 Acres, Acq: 160672

The Southwest Quarter of Section 29, Township 140, Range 45, Clay County, Minnesota.

Irruption WMA, Tract 8, Murray County, 132.66 Acres, Acq: 160650

That part of the SE $\frac{1}{4}$ of Section 20, Township 106 North, Range 39 West of the 5th Principal Meridian, Des Moines River Township, Murray County, Minnesota described as follows:

Commencing at the southeast corner of said Section 20; thence on an assumed bearing of North $89^{\circ} 41' 43''$ West, along the south line of said Section 20, a distance of 2,699.36 feet to the SW corner of said SE $\frac{1}{4}$; thence on a bearing of North $0^{\circ} 03' 34''$ West, along the west line of said SE $\frac{1}{4}$, a distance of 2,277.92 feet to the point of beginning of the land to be described; thence on a bearing of South $89^{\circ} 28' 13''$ East a distance of 470.91 feet; thence on a bearing of South $0^{\circ} 31' 47''$ West a distance of 318.00 feet; thence on a bearing of North $89^{\circ} 28' 13''$ West a distance of 427.64 feet to the east line of the west 40.00 feet of said SE $\frac{1}{4}$; thence on a bearing of South $0^{\circ} 03' 34''$ East, along the east line of the west 40.00 feet of said SE $\frac{1}{4}$, a distance of 997.74 feet, to a point 962.00 feet north of the south line of said Section 20, as measured along the east line of the west 40.00 feet of said SE $\frac{1}{4}$; thence on a bearing of South $90^{\circ} 00' 00''$ East a distance of 400.00 feet; thence on a bearing

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of South 0° 00' 00" West a distance of 845.00 feet; thence on a bearing of South 90° 00' 00" East a distance of 1,200.00 feet; thence on a bearing of North 0° 00' 00" East a distance of 470.00 feet; thence on a bearing of South 90° 00' 00" East a distance of 1,057.87 feet to the east line of said Section 20; thence on a bearing of North 0° 13' 59" West, along the east line of said Section 20, a distance of 2,054.28 feet to the NE corner of said SE ¼; thence on a bearing of North 89° 28' 13" West, along the north line of said SE ¼, a distance of 2,691.40 feet to the NW corner of said SE ¼; thence on a bearing of South 0° 03' 34" East, along the west line of said SW ¼, a distance of 388.02 feet to the point of beginning.

Lake Eleanor WMA, Tracts 1 and 2, Kandiyohi County, 71.69 Acres, Acq: 160505

That part of Government Lot 5 of Section 31, Township 119 North, Range 34 West of the 5th Principal Meridian, Kandiyohi Township, Kandiyohi County, Minnesota, described as follows:

Beginning at the southwest corner of said Section 31; thence on an assumed bearing of North 00° 37' 46" East, along the west line of said Section 31, a distance of 360.00 feet; thence on a bearing of South 89° 12' 26" East a distance of 368.00 feet; thence on a bearing of North 00° 37' 46" East a distance of 710.00 feet; thence on a bearing of North 89° 12' 26" West a distance of 368.00 feet to the west line of said Section 31; thence on a bearing of North 00° 37' 46" East, along the west line of said Section 31, a distance of 251.95 feet to the northwest corner of said Government Lot 5; thence on a bearing of South 89° 06' 16" East, along the north line of said Government Lot 5, a distance of approximately 2,611.00 feet to the westerly shore of Lake Eleanor; thence southwesterly, along the westerly shore of Lake Eleanor, a distance of approximately 2,020.00 feet to the south line of said Section 31; thence on a bearing of North 89° 12' 26" West, along the south line of said Section 31, a distance of approximately 1,074.00 feet to the point of beginning.

AND

That part of Government Lot 5 of Section 6, Township 118 North, Range 34 West of the 5th Principal Meridian, Fahlun Township, Kandiyohi County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 6; thence on an assumed bearing of South 89° 12' 26" East, along the north line of said Section 6, a distance of 49.50 feet to the point of beginning of the land to be described; thence on a bearing of South 00° 20' 10" West, parallel to the west line of said Section 6, a distance of 1,320.00 feet; thence on a bearing of South 89° degrees 12' 26" East, parallel with the north line of said Section 6, a distance of 614.35 feet; thence on a bearing of North 68° 47' 28" East a distance of 44.39 feet; thence on a bearing of North 01° 09' 17" East a distance of 232.82 feet; thence on a bearing of North 30° 04' 23" East a distance of 53.93 feet; thence on a bearing of North 59° 30' 52" East a distance of 216.84 feet; thence on a bearing of North 31° 54' 44" East a distance of 60.12 feet; thence on a bearing of North 06° 26' 51" West a distance of 519.77 feet; thence on a bearing of North 00° 45' 05" East a distance of 160.76 feet; thence on a bearing of North 15° 46' 42" East a distance of 58.03 feet; thence on a bearing of North 30° 18' 16" East a distance of 145.92 feet to the north line of said Section 6; thence on a bearing of North 89° 12' 26" West, along the north line of said Section 6, a distance of 931.53 feet to the point of beginning.

Laura Lake WMA, Tract 1, Cass County, 66.0 Acres, Acq: 160098

That part of Government Lot 10, Section 6, Township 140 North, Range 26 West of the 5th Principal Meridian, Cass County, Minnesota, lying northerly of County State Aid Highway 7.

Long Branch Creek WMA, Tract 5, Otter Tail County, 27.5 Acres, Acq: 160540

Government Lot 1 of Section 18, except that part lying South and East of Otter Tail County State Aid Highway No. 22; and Government Lot 4 of Section 7, all in Township 134 North, Range 42 West, Otter Tail County, Minnesota.

EXCEPTING THEREFROM:

Those parts of Government Lot 1 of Section 18 and Government Lot 4 of Section 7, Township 134 North, Range 42 West described as follows:

Beginning at the point of intersection of the West line of said Government Lot 1 of Section 18 and the northerly right-of-way line of Otter Tail County State Aid Highway No. 22; thence North along the West

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line of Section 18 and an extension thereof to the water's edge of the shoreline of Long Lake, whether the said shoreline be located in said Government Lot 1 of Section 18 or in said Government Lot 4 of Section 7; thence in an easterly direction along said shoreline to a point which is 150 feet East of said West line; thence South parallel with said West line and distant 150 feet therefrom, to the point of intersection with the northerly right-of-way line of said Otter Tail County State Aid Highway No. 22; thence southwesterly along the said northerly right-of-way line to the point of beginning. (Said premises also being described as the West 150 feet of those parts of Government Lot 1 of Section 18, and Government Lot 4 of Section 7, Township 134 North, Range 42 lying South of the water's edge of Long Lake and North of the right-of-way of Otter Tail County State Aid Highway No 22, said 150 feet being measured from the West line of said Township 134 North, Range 42 West).

AND ALSO EXCEPTING THEREFROM:

That part of Government Lot 4 of Section 7, Township 134 North, Range 42 West, Otter Tail County, Minnesota, described as follows:

Commencing at the SE corner of said Section 7; thence along the section line, on an assumed bearing West, 2,610.00 feet to the SW $\frac{1}{4}$ corner thereof; thence North $87^{\circ} 28' 28''$ West 438.50 feet; thence North $63^{\circ} 54' 44''$ West 982.66 feet; thence North $00^{\circ} 50' 10''$ East 180.60 feet to the point of beginning; thence North $00^{\circ} 50' 10''$ East 300.00 feet; thence South $83^{\circ} 35' 40''$ West 421.68 feet; thence South $00^{\circ} 50' 10''$ West 150.70 feet; thence South $76^{\circ} 24' 19''$ East 430.70 feet to the point of beginning.

Orning WMA, Tract 1, Dodge County, 66.11 Acres, Acq: 160617

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Township 105 North, Range 16 West, Dodge County, Minnesota.

AND

That part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Township 105 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the SW corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence on a bearing based on the 1983 Dodge County Coordinate System (1996 Adjustment), of South $89^{\circ} 37' 12''$ East 594.00 feet along the south line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to the POINT OF BEGINNING; thence North $00^{\circ} 01' 00''$ West 60.00 feet; thence South $89^{\circ} 37' 12''$ East 135.00 feet; thence North $31^{\circ} 37' 32''$ East 150.72 feet; thence North $06^{\circ} 55' 05''$ East 361.52 feet; thence North $74^{\circ} 25' 18''$ West 111.88 feet; thence North $05^{\circ} 18' 25''$ East 288.19 feet; thence South $89^{\circ} 36' 34''$ West 317.98 feet; thence South $04^{\circ} 22' 38''$ West 86.30 feet; thence South $89^{\circ} 59' 00''$ West 446.10 feet to the west line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence North $00^{\circ} 01' 00''$ West along said west line 554.90 feet to the NW corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence South $89^{\circ} 35' 36''$ East along the north line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ 1,322.72 feet to the northeast corner thereof; thence South $00^{\circ} 05' 11''$ East along the east line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ 1,325.34 feet to the southeast corner thereof; thence North $89^{\circ} 37' 12''$ seconds West along the south line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ 730.33 feet to the point of beginning.

Tyler WMA, Tract 2A, Lincoln County, 52.64 Acres, Acq: 160633

The SW $\frac{1}{4}$ of the Section 4 in Township 109 North, Range 44 West of the 5th Principal Meridian, more particularly described as follows:

Government Lots 9 and 10 in Section 4, Township 109 North, Range 44 West of the 5th Principal Meridian, and the following described tract of land, to-wit:

Commencing at the SE Meander Corner of said lot 9 and running thence east along the south line of said lot 9 extended to a point where the south line of said lot 9 extended intersects the east line of lot 5 of said section 4 extended south, thence north to the center of said section 4; thence west to the NE Meander Corner of said lot 10; thence in a southerly direction along the Meander line forming the East boundary of said lots 9 and 10 to the point of commencement.

EXCEPTING THEREFROM:

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That part of the S ½ of the SW ¼ of Section 4 of Township 109 North, Range 44 West Described as follows, to wit:

Beginning at a point 635 feet east of the SW corner of section 4, thence northerly at right angles a distance of 400 feet, thence easterly at right angles a distance of 1,089 feet, thence southerly at right angles, a distance of 400 feet, thence westerly at right angles, a distance of 1,089 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM:

All that part of registered land, certificate of title number 594, located in the SW ¼ of Section 4, Township 109 North, Range 44 West, Lincoln County, Minnesota, described as follows:

Beginning at the SE corner of said SW ¼, thence North 89° 57' 08" West, assumed bearing, along the south line of said SW ¼, 919.71 feet; thence North 00° 02' 52" East 400 feet; thence north 89° 57' 08" West parallel with said south line 577.40 feet; thence North 01° 41' 13" West, parallel with the east line of said SW ¼ 2,253.86 feet to a point on the north line of said SW ¼; thence south 89° 54' 09" East along said north line of the SW ¼ 1,485.04 feet to the NE corner of said SW ¼; thence South 01° 41' 13" East along said East line of the SW ¼ 2,652.77 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM:

All that part of the SW ¼ of Section 4 Township 109 North, Range 44 West, Lincoln County, Minnesota, being more particularly described as follows:

Commencing at the SE corner of said SW ¼; thence North 89° 59' 16" West, bearing based on Lincoln County Coordinate System, along the south line of said SW ¼, A distance of 919.71 feet; thence North 00° 00' 44" East a distance of 400 feet; thence North 89° 59' 16" West a distance of 577.40 feet; thence North 01° 43' 21" West parallel to the East line of said SW ¼ a distance of 701.01 feet, to the point of beginning; thence continuing North 01° 43' 21" West, parallel to the east line a distance of 486.00 feet; thence South 88° 47' 16" West a distance of 1,132.78 feet, to a point on the west line of said SW ¼; thence South 00° 47' 19" East, along said West line a distance of 403.65 feet; thence South 85° 16' 43" East a distance of 706.28 feet; thence South 89° 59' 27" East a distance of 437.70 feet, to the point of beginning.

Tyler WMA, Tract 6A, Lincoln County, 11.89 Acres, Acq: 160684

Commencing at the SE corner of said SW ¼; thence North 89° 59' 16" West, bearing based on Lincoln County Coordinate System, along the South line of said SW ¼, a distance of 919.71 feet; thence North 00° 00' 44" East a distance of 400 feet; thence North 89° 59' 16" West a distance of 577.40 feet; thence North 01° 43' 21" West parallel to the East line of said SW ¼ a distance of 701.00 feet, to the point of beginning; thence continuing North 01° 43' 21" West, parallel to the East line a distance of 486.00 feet; thence South 88° 47' 16" West a distance of 1,132.78 feet, to a point on the West line of said SW ¼; thence South 00° 47' 19" East, along said West line a distance of 403.65 feet; thence South 85° 16' 43" East a distance of 706.28 feet; thence South 89° 59' 27" East a distance of 437.70 feet, to the point of beginning.

Yucatan WMA, Tract 2, Houston County, 132.31 Acres, Acq: 160642

All that part of the N ½ of the NE ¼, the SW ¼ of the NE ¼ and the E ½ of the NW ¼ of Section 31, Township 103 North, Range 7 West, Houston County, Minnesota, lying northerly and westerly of the centerline of County Road No. 15 and more particularly described as lying northerly and westerly of the following described line:

Commencing at the NE corner of said Section 31, (the east line of the NE ¼ to have an assumed bearing of South 00° 18' 28" West); thence South 36° 22' 11" West 663.22 feet to the POINT OF BEGINNING, the same being the centerline of County Road No. 15; thence South 34° 11' 27" West along said centerline 31.82 feet; thence North 75° 17' 14" West, leaving said centerline 389.50 feet; thence South 47° 50' 19" West 213.83 feet; thence South 42° 09' 41" East 341.94 feet, to the centerline of said County Road No. 15; thence South 47° 50' 19" West along said centerline 34.15 feet to the point of curvature of a circular curve to the right having a radius of 1,000.00 feet, a central angle of 09° 24' 33", and arc distance of 164.22 feet, along said centerline, to a point of tangency; thence South 57° 14' 53" West along said centerline 935.11 feet, to the point of curvature of a circular curve to the right, having a radius of 950.00 feet, a central angle of 43° 02' 36", an arc distance of 713.69 feet, along said centerline, to a point of tangency; thence North 79° 42' 31" West along said centerline 288.25 feet to a point of curvature of a circular curve to the left, having a radius

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of 157.00 feet, a central angle of 132° 18' 44", an arc distance of 362.56 feet, along said centerline to a point of tangency; thence South 32° 01' 16" East 335.28 feet to a point of curvature of a circular curve to the right, having a radius of 716.97 feet, a central angle of 40° 30' 55", an arc distance of 507.00 feet, more or less, along said centerline to a point of intersection with the south line of said SW ¼ of the NE ¼ of Section 31, and there terminating.

WHEREAS, the above-described lands contain high potential for wildlife production, as well as public hunting, fishing, trapping, and other compatible outdoor recreational uses. The above described lands include: (1) appropriate wildlife lands and habitat that permit the propagation and management of a substantial population of desired wildlife species and (2) areas large enough to ensure adequate wildlife management and regulation of permitted recreational uses;

WHEREAS, the above-described lands include lands acquired or improved for public hunting, game refuges, and food and cover planting;

WHEREAS, the above-described lands include wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms, acquired for water conservation relating to wildlife development; and

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97A.135, subdivision 1, *Minnesota Statutes*, section 97A.145, subdivision 1, *Minnesota Statutes*, section 86A.05, subdivision 8, and *Minnesota Statutes*, section 86A.07, subdivision 3, that the described lands under the jurisdiction of the Minnesota Department of Natural Resources are designated as Wildlife Management Areas.

This order takes effect upon publication in the State Register.

Sarah Strommen, Commissioner

Date: July 19, 2019

For additional information or to receive this document in an alternative format please contact:

Adam Murkowski
Department of Natural Resources
Division of Fish and Wildlife
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Phone: (651) 259-5209
Email: adam.murkowski@state.mn.us

Department of Natural Resources

Division Of Fish And Wildlife

Commissioner's Order 19-02: Designation of Aquatic Management Areas (AMAs)

Statutory authority: *Minnesota Statutes*, section 86A.05, subdivision 14, and *Minnesota Statutes*, section 86A.07, subdivision 3.

BACKGROUND

WHEREAS, certain lands in Minnesota are described as:

Amity Creek AMA, Tract 7, St. Louis County, 1.5 Acres, ~413 Stream feet, Acquisition CTF0000297

Part of the Southeast ¼ of the Southwest ¼ beginning 658.95 feet North of the southeast corner; thence West 996.51 feet; thence South 658.95 feet; thence East 50 feet; thence North 508.95 feet; thence East 946.51 feet; thence North 150 feet to the point of beginning, city of Rice Lake. Township 51, Range 14, Section 25 (parcel number 520-0016-02470).

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Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Baptism River AMA, Tract 15, Lake County, 0.3 Acres, ~177 Stream feet, Acquisition CTF0000293

A 150 foot strip of land lying in: that part of the Northerly 726 feet of Westerly 600 feet of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 24, Township 57 North, Range 7 West, Lake County, Minnesota lying 75 feet northwesterly and 75 feet southeasterly from the centerline of Sawmill Creek.

Billy Creek AMA, Tract 18, Koochiching County, 1.1 Acres, ~1188 Stream feet, Acquisition CTF0000294

Beginning at the southeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 3, Township 154 North, Range 25 West; thence westerly ten rods, more or less, along the south line of said Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ to the centerline of Billy Creek; thence in a northeasterly direction along said centerline to a point where said centerline intersects the east line of said Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence South 35 rods, more or less, along the east line of said Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ to the point of beginning and there terminating, said easement being a strip of land 75 feet in width lying adjacent to and easterly of the centerline of Billy Creek.

Knife River AMA, Tract 42, St. Louis County, 7.0 Acres, ~2444 Stream feet, Acquisition CTF0000297

The South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, except 5 acres at the southwest corner, town of Duluth, Township 52, Range 12, Section 10 (parcel number 315-0020-01700). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Lester River AMA, Tract 13, St. Louis County, 2.2 Acres, ~515 Stream feet, Acquisition CTF0000295

The North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Town of Rice Lake, Section 15, Township 51 North, Range 14 West (parcel 520-0012-01460). The easement shall be 150 feet in width, lying 75 feet on each side of the centerline of the stream.

Lester River AMA, Tract 16, St. Louis County, 1.1 Acres, ~300 Stream feet, Acquisition CTF0000295

The northerly 435.6 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, except the westerly 400 feet, Town of Rice Lake, Section 12, Township 51 North, Range 14 West (parcel 520-0012-00555). The easement shall lie southerly of the centerline of the stream and 75 feet in width lying northerly of the centerline of the stream.

Lester River AMA, Tract 23, St. Louis County, 3.2 Acres, ~1191 Stream feet, Acquisition CTF0000297

The Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, town of Normanna, Township 52, Range 13, Section 32 (parcel number 485-0010-05390). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Miller Creek AMA, Tract 2, St. Louis County, 1.24 Acres, ~562 Stream feet, Acquisition CTF0000297

The East $\frac{5}{6}$ of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, except 8 acres at the northeast corner and except the South 261-28/100 feet of the East 522-44/100 feet and except the westerly 166 feet of the easterly 688-44/100 feet lying South of the northerly 396 feet and except a 110.44-foot by 124.99-foot parcel abutting the east line of Lot 5, Decker Road Addition located in the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, city of Duluth, Township 50, Range 14, Section 19 (parcel number 010-2710-05670). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Miller Creek AMA, Tract 3, St. Louis County, 0.51 Acres, ~234 Stream feet, Acquisition CTF0000297

Lot 3, Decker Road Addition to city of Duluth, Township 50, Range 14, Section 19 (parcel number 010-0825-00030). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Miller Creek AMA, Tract 4, St. Louis County, 0.45 Acres, ~142 Stream feet, Acquisition CTF0000297

The South 1- $\frac{2}{3}$ acres of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, city of Duluth, Township 50, Range 14, Section 19 (parcel number 010-2710-05630). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

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Miller Creek AMA, Tract 5, St. Louis County, 0.75 Acres, ~220 Stream feet, Acquisition CTF0000297

The North 2-1/2 acres of the South 6-2/3 acres of the Southwest ¼ of the Northwest ¼ of the Southeast ¼, city of Duluth, Township 50, Range 14, Section 19 (parcel number 010-2710-05610). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Miller Creek AMA, Tract 6, St. Louis County, 0.81 Acres, ~282 Stream feet, Acquisition CTF0000297

The North 3-1/3 acres of the Southwest ¼ of the NW ¼ of the Southeast ¼, city of Duluth, Township 50, Range 14, Section 19 (parcel number 010-2710-05600). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Miller Creek AMA, Tract 7, St. Louis County, 1.0 Acres, ~340 Stream feet, Acquisition CTF0000297

The S ½ of the West 3-1/3 acres of the North ½ of the Northwest ¼ of the Southeast ¼, city of Duluth, Township 50, Range 14, Section 19 (parcel number 010-2710-05590). Said strips of land being 150 feet in width and lying 75 feet on each side of the centerlines of existing streams and rivers over the above described tracts of land.

Silver Creek AMA, Tract 77, Lake County, 4.1 Acres, ~1228 Stream feet, Acquisition CTF0000293

A 150-foot strip of land lying in: that part of the Southwest ¼ of the Northwest ¼, Section 18, Township 54 North, Range 10 West, Lake County, Minnesota lying 75 feet on each side of the centerline of Silver Creek.

Stewart River AMA, Tract 118, Lake County, 4.8 Acres, ~1320 Stream feet, Acquisition CTF0000293

A 150-foot strip of land lying in: that part of the Southwest ¼ of the Northwest ¼, Section 10, Township 53 North, Range 11 West, Lake County, Minnesota lying 75 feet on each side of the centerline of Little Stewart River

Tischer Creek AMA, Tract 2, St. Louis County, 0.57 Acres, ~330 Stream feet, Acquisition CTF0000295

Lot 440, Homecroft Park, Town of Rice Lake, Section 34, Township 51 North, Range 14 West (parcel 520-0130-00460). The easement shall be 75 feet in width, lying southerly of the centerline of the stream.

Tischer Creek AMA, Tract 3, St. Louis County, 0.53 Acres, ~312 Stream feet, Acquisition CTF0000295

Lots 477 to 479, Homecroft Park, Town of Rice Lake, Section 34, Township 51 North, Range 14 West (parcel 520-0130-00840). The easement shall be 75 feet in width, lying northerly of the centerline of the stream.

Tischer Creek AMA, Tract 4, St. Louis County, 0.29 Acres, ~355 Stream feet, Acquisition CTF0000295

Lot 493, Homecroft Park, Town of Rice Lake, Section 34, Township 51 North, Range 14 West (parcel 520-0130-01020). The easement shall be 75 feet in width, lying southerly of the centerline of the stream.

Tischer Creek AMA, Tract 5, St. Louis County, 0.56 Acres, ~395 Stream feet, Acquisition CTF0000295

Lot 533, Homecroft Park, Town of Rice Lake, Section 34, Township 51 North, Range 14 West (parcel 520-0130-01430). The easement shall be 75 feet in width, lying northerly of the centerline of the stream.

Tischer Creek AMA, Tract 6, St. Louis County, 0.77 Acres, ~395 Stream feet, Acquisition CTF0000295

Lot 534, Homecroft Park, Town of Rice Lake, Section 34, Township 51 North, Range 14 West (parcel 520-0130-01440). The easement shall be 75 feet in width, lying southerly of the centerline of the stream.

Tischer Creek AMA, Tract 7, St. Louis County, 0.60 Acres, ~396 Stream feet, Acquisition CTF0000295

Lot 544, Homecroft Park, Town of Rice Lake, Section 34, Township 51 North, Range 14 West (parcel 520-0130-01540). The easement shall be 75 feet in width, lying northerly of the centerline of the stream.

Tischer Creek AMA, Tract 8, St. Louis County, 0.77 Acres, ~396 Stream feet, Acquisition CTF0000295

Lot 543, Homecroft Park, Town of Rice Lake, Section 34, Township 51 North, Range 14 West (parcel 520-0130-01530). The easement shall be 75 feet in width, lying southerly of the centerline of the stream.

Union Creek AMA, Tract 1, Wadena County, 1.73 Acres, ~1279 Stream feet, Acquisition AMA0000391

Sixty-six feet in width lying south of the centerline of Union Creek. Parcel 22-770-0010, Lot 1, Block 1, Winkels Addition, City of Wadena, Minnesota – Section 5, Township 134, Range 35.

Commissioner's Orders

AND

Parcel 22-770-0020, Lot 2, Block 1, Winkels Addition, City of Wadena, Minnesota – Section 5, Township 134, Range 35.

AND

Parcel 22-770-0030, Lot 3, Block 1, Winkels Addition, City of Wadena, Minnesota – Section 5, Township 134, Range 35.

Union Creek AMA, Tract 2, Wadena County, 0.71 Acres, ~407 Stream feet, Acquisition AMA0000392

Sixty-six feet in width lying north of the centerline of Union Creek, Borchardt's Addition, Reserve Lot C except the east 7 acres.

Whiteface River AMA, Tract 2, St. Louis County, 0.76 Acres, ~503 Stream feet, Acquisition CTF0000298

That part of the easterly 260 feet of Government Lot 1 lying South of the Whiteface River, town of Cotton, Section 12, Township 54, Range 17. The easement shall be 75 feet in width, lying southerly of and being contiguous, adjacent and parallel with the southerly water's edge of the Whiteface River.

AND

Government Lot 1, except the southerly 1,120 feet thereof, town of Cotton, Section 13, Township 54, Range 17. The easement shall be 75 feet in width, lying southeasterly of and being contiguous, adjacent and parallel with the southeasterly water's edge of the Whiteface River.

WHEREAS, the above-described lands contain lakes, rivers, streams, or adjacent wetlands and lands that are critical for fish and other aquatic life, for water quality, and for their intrinsic biological value, public fishing, or other compatible outdoor recreational uses;

WHEREAS, designating the above-described lands as Aquatic Management Areas would meet one or more of the following criteria: (1) provides angler or management access; (2) protects fish spawning, rearing, or other unique habitat; (3) protects aquatic wildlife feeding and nesting areas; (4) protects critical shoreline habitat; or (5) provides a site for research on natural history; and

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 86A.05, subdivision 14, and *Minnesota Statutes*, section 86A.07, subdivision 3, that the above-described lands under the jurisdiction of the Minnesota Department of Natural Resources are designated as Aquatic Management Areas.

This order takes effect upon publication in the State Register.

Sarah Strommen, Commissioner

Date: July 19, 2019

For additional information or to receive this document in an alternative format please contact:

Adam Murkowski
Department of Natural Resources
Division of Fish and Wildlife
500 Lafayette Rd, St. Paul, MN 55155
Phone: (651) 259-5209
Email: adam.murkowski@state.mn.us

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.

Minnesota Department of Agriculture (MDA) Notice of Comment Period for the Proposed Emerald Ash Borer Quarantine in Nobles County

The Minnesota Department of Agriculture (MDA) is accepting comments on the current state emergency quarantine for emerald ash borer, *Agrilus planipennis* (Fairemaire), in Nobles County and the proposed state formal quarantine to be implemented October 1, 2019.

Oral and written comments regarding the proposed regulations will be accepted via email, phone or fax through September 25, 2019. Submit comments to Kimberly Thielen Cremers, Minnesota Department of Agriculture, 625 Robert Street North, St Paul, MN 55155, **email:** kimberly.tcremers@state.mn.us, **phone:** (651)201-6329, **fax:** (651)201-6108.

For more information on emerald ash borer, including a copy of the emergency quarantine, visit the Minnesota Department of Agriculture website at www.mda.state.mn.us/eab.

Minnesota Department of Health (MDH) REQUEST FOR COMMENTS for Possible Rules Governing Assisted Living Facility Licensing and Regulations; *Minnesota Rules*, chapter 4659

Revisor's ID Number: R4605

Subject of Rules. The Minnesota Department of Health (MDH) requests comments on its possible rules governing assisted living facility licensing and regulations (Revisor's ID Number R-4605). The Department is considering rules to carry out the Legislature's policy to develop the licensing and regulatory structure that will govern assisted living facilities, protect the rights of facility residents through enforcement, and set minimum standards for business operations. The rules are likely to address related issues that come up during the rulemaking process.

Persons Affected. The amendment to the rules would likely affect:

- current and future assisted living facilities
- facility owners
- facility employees
- families of residents
- facility administrators
- nursing home workers
- residents
- Minnesotans who may enter these facilities as residents in the future

Statutory Authority. Minnesota Statutes, section 144I.36, paragraph (a), requires the Department to adopt rules that protect assisted living facilities residents by regulating and licensing the assisted living facilities.

Public Comment. Interested persons or groups may submit proposals, comments, or information on the possible rules in writing or orally until the Department publishes further notice in the State Register that the Commissioner intends to adopt or to withdraw the rules. The Commissioner will likely appoint an advisory committee to comment on the possible rules.

The Department is particularly interested in information about whether the cost of complying with the rule in the first year after the rule takes effect will cost will exceed \$25,000 for one small city or business under Minnesota Statutes, section 14.127. The Department is also interested in the “cumulative effect of the rule with other federal and state regulations,” as required by Minnesota Statutes, section 14.131(8).

Rules Drafts. MDH has not yet prepared a draft of the possible rules. It will prepare drafts that it will publish on its website and make available to the public upon request before formally proposing the rules.

Agency Contact Person. Written or oral comments, questions, rule proposals, and requests for more information on these possible rules should be directed to:

Anne Peterson
Minnesota Department of Health
P.O. Box 64882, St. Paul MN 55164-0882
Phone: (651) 201-3701
Email: anne.peterson@state.mn.us.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. 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 if and when a proceeding to adopt rules is started. The board is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

July 31, 2019

Margaret Kelly
Deputy Commissioner of Health

Minnesota Department of Health (MDH)

Division of Health Policy

Notice of Adoption of Revised Rule: Minnesota Uniform Companion Guide (MUCG) for the Implementation of the ASC X12N/005010X221A1 Health Care Claim Payment/Advice (835), version 14.0

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (MDH) has adopted into rule version 14.0 of the Minnesota Uniform Companion Guide (MUCG) for the implementation of the ASC X12N/005010X221A1 Health Care Claim Payment/Advice (835). For brevity, this MUCG is also referred to below as the “835 MUCG.”

Description of the Rules. Minnesota Statutes, section 62J.536 -
<https://www.revisor.mn.gov/statutes/cite/62J.536> , requires the Minnesota Commissioner of Health, in consultation with the *Minnesota Administrative Uniformity Committee (AUC)*, to promulgate rules pursuant to **section 62J.61 -**
<https://www.revisor.mn.gov/statutes/cite/62J.61> establishing and requiring group purchasers, clearinghouses, and health care providers to exchange specified health care administrative transactions electronically, using the applicable single uniform companion guide adopted by the Commissioner of Health. Under Minnesota Statutes, section 62J.61, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59.

Official Notices

Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the rules, the Commissioner is publishing this notice adopting version 14.0 (v14.0) of the above referenced MUCGs. The v14.0 rule:

- Describes the data content and other transaction-specific characteristics of the transaction listed above, for use by entities subject to Minnesota Statutes, section 62J.536;
- Supersedes all previous versions and is effective 30 days after the publication of this notice of adoption in the State Register;
- Is to be used in conjunction with all applicable Minnesota and federal regulations, including 45 CFR Parts 160, 162, and 164 (HIPAA Administrative Simplification, including adopted federal operating rules) and related ASC X12N and retail pharmacy specifications (ASC X12N and NCPDP implementation specifications);
- Supplements, but does not otherwise modify, the ASC X12N and NCPDP implementation specifications in a manner that will make their implementation by users to be out of compliance; and
- Must be appropriately incorporated by reference and/or the relevant transaction information must be displayed in any companion guides provided by entities subject to Minnesota Statutes, section 62J.536.

Changes and Updates to Previously Adopted Rules. The previous version of the 835 MUCG adopted into rule was published as version 12.0 (v12.0) and was posted at <https://www.health.state.mn.us/facilities/ehealth/asa/rules.html>. The Commissioner of Health, in consultation with the AUC and its EOB/Remittance Advice Technical Advisory Group (TAG), determined that it was necessary to make revisions to the v12.0 rule to ensure that it remained up-to-date and as clear and useful as possible.

The proposed revised version of the v12.0 MUCG above was prepared and retitled as v13.0. Pursuant to Minnesota Statutes, section 62J.61, MDH published a notice in the **March 18, 2019 State Register, page 1098 - https://mn.gov/admin/assets/SR43_38 - Accessible_tcm36-376146.pdf**, announcing the availability of v13.0 for review, describing changes from v12.0 to v13.0, announcing the start of a 30-day public comment period regarding the proposed revisions, and providing instructions for obtaining copies of v13.0 and submitting comments. No comments were received during the public comment period.

Modifications. The revisions proposed in the v13.0 835 MUCG and additional minor changes are now being adopted as v14.0 as described below. The revisions proposed in v13.0 include changes in format and content throughout to delete and/or update outdated, extraneous material, for brevity, accuracy, ease of use, and for assuring that the document meets state accessibility standards and requirements for materials posted on the MDH website. In particular, the changes from v12.0 to v14.0 include:

- Deletion of the cover page of v12.0 and incorporation of much of the cover page information in the body of v14.0, in section “1. Overview”;
- Revisions to the table of contents;
- Deletions, consolidation, and reorganization of material in v12.0, sections “1 Overview” and “2 Purpose of this document and its relationship with other applicable regulations,” into a new consolidated, shorter section “1 Overview” in v14.0. In particular, several lengthy quotations of statutes in v12.0 that had been published unchanged for several years have become extraneous now that the statutes are available on easily accessed web sites, and are deleted from v14.0. Similarly, a lengthy “document revision history” in v12.0 (section 1.6.2) will be posted for reference on an easily accessible website and no longer needs to be incorporated in the rule. Other similar changes were made to reduce information and/or instructions that have become outdated and/or unnecessary, especially when such information can be made readily available through more accessible, easily maintained websites.
- Similarly, sections 3 (“How to use this document”) and 4 (“ASC X12/005010X221A1 Health Care Claim Payment Advice (835) Transaction: Transaction Specific Information”) in v12.0 were consolidated in a single section 2 (“Transaction specific instructions and information to be used with the 005010X221A1”) in v14.0. The consolidation resulted in deletions and reorganization of information and instructions that had become redundant or superfluous.
- V12.0 included five appendices that are also included in v14.0, and these appendices have also been shortened,

reorganized, and renumbered for clarity, brevity, and ease of use. In particular:

- o Appendix A in v12.0 (“Minnesota Crosswalk for the Claim Adjustment Reason Codes (CARC), Claim Adjustment Group Codes, and Remittance Advice Remark Codes (RARC)” has been retitled more simply in v14.0 as “Requirements and instructions for CARC, RARC, and CAGC use.” In addition, section 5.1.5 of the v12.0 Appendix A included a lengthy, multi-page table listing “RARC and CAGC to use with CARC 227 for the business scenario ‘Additional Information Required – Missing/Invalid/Incomplete Information from the Patient.’” The list has been deleted from v14.0 for brevity and will instead be available at an easily accessible website.
- o Appendix C, “Coordination of Benefits (COB) Examples” in v14.0 includes a new “Example 4 – Tertiary Billing” for COB associated with tertiary billing.
- o Additional brief explanatory material, including a new subsection E.2.3 (“Interpretation of APR-DRG”), and some slightly new formatting have been added to v14.0 Appendix E, “Reporting All Patients Refined Diagnosis Related Groups (APR- DRG).” These changes will better convey the information shown in the examples and help assure that the document meets accessibility standards and requirements.

Other minor grammatical and formatting changes or corrections have been made throughout for clarification, accuracy, ease of use, and accessibility.

How to Obtain the Proposed Changes to Minnesota Uniform Companion Guides. Free copies of the adopted rule as described above are available for viewing or downloading on the World Wide Web beginning August 12, 2019 at: <https://www.health.state.mn.us/facilities/ehealth/asa/index.html>

Persons who wish to obtain paper copies should email Susie.Blake@state.mn.us or call Ms. Blake at MDH, (651) 201-5508, or fax a request to (651) 201-3830, and clearly identify the document(s) being requested.

Dated: August 12, 2019

Jan K. Malcolm
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Minnesota Housing Notice of Public Hearing on 2021 Housing Tax Credit Allocation Plan

Minnesota Housing will hold a public hearing pursuant to Section 42 of the Internal Revenue Code of 1986, the 2021 Housing Tax Credit Qualified Allocation Plan. The public hearing will be held at the time and place listed below:

Monday, August 19, 2019
1:30 P.M. to 2:30 P.M. – Mille Lacs Conference Room
Minnesota Housing
400 Wabasha Street N, Ste. 400
St. Paul, MN 55102

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the 2021 Allocation Plan developed by Minnesota Housing, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of Minnesota Housing. Other Tax

Official Notices

Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington County and Dakota County.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing. Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of summaries of the proposed changes to the Housing Tax Credit Procedural Manual and Qualified Allocation Plan are available at the address listed below, by written or phone request or by checking the Minnesota Housing web site.

Minnesota Housing
Multifamily Underwriting
Housing Tax Credit Program
400 Wabasha Street N, Ste. 400
St. Paul, MN 55102
651.296.4451
www.mnhousing.gov

Minnesota Racing Commission REQUEST FOR COMMENTS for Possible Amendment to Rules Governing Horse Racing, Minnesota Rules 7869-7897

Revisor's ID Number: R-04568

Subject of Rules. The Minnesota Racing Commission (MRC) requests comments on possible amendments to the rules governing horse racing, Minnesota Rules, Chapters 7869-7897. Each year the MRC reviews its rules in cooperation with industry participants in order to modify, update and clarify the rules. We also seek to delete obsolete rules. This year's updates will focus on rules relating to various aspects of Class C licensing. License fees may be increased. The 2019 Minnesota Legislature granted the MRC new rulemaking authority to establish a license fee of up to \$2500 for racing or gaming-related vendors, so this topic will be specifically addressed. Other updates to the MRC's rules may also be proposed. The public is welcome and encouraged to comment and make proposals for this year's amendments.

Persons Affected. The amendments to the rules would likely affect participants in horseracing and card playing at Minnesota licensed racetracks, including horse owners, breeders, trainers, drivers, veterinarians, racetracks, stewards, judges, association staff, racing officials, and the betting public. Current and prospective Class C licensees, particularly racing or gaming-related vendors, will be affected. "Racing or gaming-related vendor" is defined as any person or entity that manufactures, sells, provides, distributes, repairs or maintains equipment or supplies used at a Class A facility, or provides services to a Class A facility or Class B license holder that are directly related to the running of a horse race, simulcasting, pari-mutuel betting, or card playing.

Statutory Authority. *Minnesota Statutes*, sections 240.03, 240.23 and 240.24 authorize the Racing Commission to make and amend rules which affect the integrity of racing or the public health, welfare, or safety. *Minnesota Statutes*, section 240.10 requires the MRC to establish by rule an annual license fee for each occupation it licenses. *Laws of Minnesota 2019, 1st Special Session, Chapter 10, Art. 8, § 5*, effective July 1, 2019, requires the Racing Commission to establish by rule an annual license fee for each type of racing or gaming-related vendor it licenses, not to exceed \$2500.

Public Comment. Interested persons or groups may submit proposals, comments or information on the possible rules in writing or orally until further notice is published in the *State Register* that the Commission intends to adopt or to withdraw the rules. The Commission will not publish a Notice of Intent to Adopt the rules until more than 60 days

have elapsed from the date of this Request for Comments. The Commission does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Racing Commission has not yet prepared a draft of the rule amendments and does not anticipate a draft will be prepared prior to publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, rule proposals, and requests for more information on these possible rule changes should be directed to:

Stephanie Neises, Compliance Administrator
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025
Phone: 651-925-3955 | Fax: 651-925-3954 | Email: stephanie.neises@state.mn.us
TTY users may call the Commission at 800-627-3529.

Interested persons may also comment via the Office of Administrative Hearings Rulemaking e-Comments Website at <https://minnesotaoah.granicusideas.com/>

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or audio recording. To make such a request, please contact the agency contact person 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 if and when a proceeding to adopt rules is initiated. The agency is required to submit to the judge only those written comments received in response to the rules after they are formally proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 8/12/2019

State Grants & 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.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Health (MDH) 2020 Primary Care Physician Residency Grant Program Notice of Grant Opportunity Announcement

Application open date: August 1, 2019
Applications are due **September 6, 2019 at 4:30 p.m. CST.**

The Primary Care Residency Grant program provides funding to expand the training of primary care physicians. Primary care residency programs may apply for funding to create and maintain additional residency positions for up to

State Grants & Loans

three years.

Eligible residency programs train medical residents in the following specialties: family medicine; general internal medicine; general pediatrics; psychiatry-including child psychiatry fellowships; geriatrics fellowship; and general surgery. The Minnesota Legislature has appropriated \$1,500,000 in grant funds for fiscal year 2020. Eligible residency programs not seeking expansion funds may apply for up to \$75,000 for one year to plan program expansion. Training grants may be awarded for up to three years and the maximum award is \$300,000 – up to \$150,000 in year 1, up to \$100,000 in year 2, and up to \$50,000 in year 3. For eligible residency programs longer than three years, training grants may be awarded for the duration of the residency, not exceeding an average of \$100,000 per residency slot per year.

Grant Application Forms and Guidelines

- 2020 Primary Care Physician Residency Grant Program Request for Proposals
- 2020 Primary Care Residency Grant Application Form
- Suggested Budget Form
- Due Diligence Form: Accounting System and Financial Capability Questionnaire

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5,000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600. \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Restore Governor's Residence Phase 2 – Predesign Update (SDSB Project # 19-03)

The State of Minnesota, acting through The Department of Administration, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <https://mn.gov/admin/government/construction-projects/sdsb/projects/> (click 19-03).

A mandatory informational meeting is scheduled for **Monday, August 26, 2019 at 1:00 p.m. CT at the Minnesota Governor's Residence, 1006 Summit Ave. St. Paul, MN 55105.**

Any questions should be directed to Jennifer Barber at Jennifer.barber@state.mn.us. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Tuesday, August 27, 2019, no later than 12:00 p.m. Central Time.**

Proposals must be delivered to Jennifer Barber, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2389) not later than **12:00 Noon on Tuesday, September 3, 2019**. Late responses will not be considered.

The Department of Administration is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration

MMCAP Infuse

Notice of Request for Proposals for Biological and Pharmaceutical Waste Disposal

The Minnesota Department of Administration, on behalf of MMCAP Infuse, is requesting proposals from qualified biological and pharmaceutical waste firms to remove and dispose of hazardous and non-hazardous non-creditable pharmaceuticals, biological and chemical contaminated sharps, biohazardous "red bag" waste, and animal parts/cadavers (Healthcare Related Waste). This solicitation is not intended for reverse distributors nor will serve acute care facilities. It is NOT a requirement for a Responder to be able to provide waste disposal services for all waste streams described. Responders are expected to meet all federal, state, and local Healthcare Related Waste laws and requirements, in addition to maintaining all required regulatory licenses, permits, registrations, and insurance.

For more information, go to www.infuse-mn.gov

To request a copy of the RFP, email MMCAP_Infuse.RFP@state.mn.us

Or write to:

Biological and Pharmaceutical Waste Disposal Request
MMCAP Infuse
State of Minnesota, Department of Administration
50 Sherburne Avenue, Suite 112
St. Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this notice must be received according to the specifications in the Request for Proposals, which is no later than **September 5th, 2019 2:00p.m. Central Time. Late proposals will not be considered.**

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the Responder.

Minnesota State Colleges and Universities (Minnesota State) Request for Proposal (RFP) FOR Enterprise Resource Planning (ERP) Solution

Background

Minnesota State Colleges and Universities (Minnesota State) is the fourth-largest system of higher education in the United States. Minnesota State services approximately 375,000 students each year, and is comprised of 37 state colleges and universities with 54 campuses located in 47 Minnesota communities. Minnesota State is an independent state entity that is governed by a 15-member Board of Trustees.

For more information about Minnesota State's strategic plans, mission, and vision, please view its website at <http://www.minnstate.edu/>

State Contracts

Minnesota State's Integrated Statewide Records System (ISRS) was created 25 years ago to implement a single, common accounting system to support the merging of public state universities, community colleges, and technical colleges. Minnesota State leveraged this opportunity to implement the technology not only to meet the minimum standard of consolidating accounting systems, but also to consolidate human resources functionality, financial reporting, and core student functionality (e.g., registration, student housing, financial aid, and student services). The original vision was based on the desire to create a single integrated data system that would serve the needs of all institutions (system office, colleges, and universities) and their students, faculty, and staff – all while providing flexibility to support autonomy and individuality of each institution. Minnesota State has enforced many high-level, student-based policy regulations adopted by the State of Minnesota which are designed to provide equitable experiences across the state. Beyond these regulations, Minnesota State institutions have been allowed to exercise autonomy, which has resulted in various business processes. In addition, institutions have developed or purchased auxiliary solutions to augment ISRS system functionality.

Nature of the RFP

Minnesota State is seeking a next generation ERP solution with the following integrated suite of applications to provide a world-class student experience, while serving business operations and managing academic programs: Student Information System (SIS), Financial Information System (FIS), Human Resource Information System (HRIS), Reporting and Analytics. In addition, Minnesota State would like to explore options for replacing or integrating with existing auxiliary solutions noted within the functional requirements.

Proposals must be submitted by the primary software vendor who is expected to be the long-term vendor contracted with Minnesota State. In cases where implementation services are provided by an external certified partner, the primary software vendor must select one service partner and present one single unified proposal.

Included in the proposal should be a dedicated implementation services team to ensure the proposed solution(s) deliver on the requirements and needs of Minnesota State. The implementation services team will be responsible for the implementation of the proposed ERP solutions(s), including but not limited to project oversight, integrations, data migrations, documentation, and training materials. The implementation services team must demonstrate experience and success in implementing cloud-based or hosted enterprise solutions in a statewide environment, while successfully guiding the organization through the change.

Selection Timeline

- | | |
|--|---|
| • Thursday, June 20, 2019 | Minnesota State publishes RFP notice |
| • Thursday, June 27, 2019 | 1pm – 3pm CT, Pre-Proposal Review |
| • Friday, July 19, 2019 | Deadline for vendor questions |
| • Friday, July 26, 2019 | Deadline to post responses to vendor questions |
| • Tuesday, September 3, 2019 | 3pm CT, Deadline for RFP proposal submissions |
| • Wednesday, September 4 to Thursday, October 17, 2019 | Review RFP proposals |
| • Friday, October 18, 2019 | Vendors invited for oral presentations and interviews |
| • November 2019 | Oral presentations and interviews by invited vendors |
| • January 2020 | Negotiations begin with the preferred vendor |
| • March 31, 2020 | Planned deadline for executing the contract |

Any questions please contact: Jennell Flodquist (email: NextGenRFP@minnstate.edu phone: 651-201-1524)

The RFP can be downloaded at the following URL: <http://minnstate.edu/vendors/index.html>

Minnesota State Colleges and Universities (Minnesota State) Non-Construction Related Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for P/T contract opportunities, goods/commodities, and non-construction related services on its Vendor and Supplier Opportunities website

(<http://minnstate.edu/vendors/index.html>). New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

If you have any questions regarding this notice, or are having problems viewing the information on the Vendor and Supplier Opportunities website, please call the Minnesota State Procurement Unit at 651-201-1444, Monday-Friday, 9:00 am – 4:00 pm.

Minnesota State Colleges and Universities (Minnesota State)

Winona State University

Request for Proposals for Going Green: The Impact of Sustainability on International Business and Culture in Scotland Faculty-led Program

Notice is hereby given that Winona State University is seeking proposals for **Going Green: The Impact of Sustainability on International Business and Culture in Scotland Faculty-led Program**. Proposal specifications are available by contacting Laura Mann, Purchasing Director, PO Box 5838, 106 Somsen Hall, Winona, MN 55987 or via email to lmann@winona.edu According to the RFP directions, proposals must be received by **September 26, 2019, 3:00 p.m. CT**. Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Department of Military Affairs

Facilities Management Office, Camp Ripley, Little Falls, MN

Request for Proposals for Consultant Services for Camp Ripley Railroad Siding Project, Little Falls, Minnesota (Project No. 19146)

The State of Minnesota, Department of Military Affairs, is soliciting proposals from interested, qualified consultants for civil engineering design services for the above referenced project.

COPY REQUEST: To request a copy of the Request for Proposals (RFP), please send a written request, by email, to:

Ms. Jill Schultz
Contract Specialist
Facilities Management Office
Camp Ripley
15000 Highway 115
Little Falls, MN 56345-4173
jill.l.schultz5.nfg@mail.mil

RFP responses must be received by the Department of Military Affairs, Attn: Ms. Jill Schultz, Facilities Management Office, Camp Ripley, 15000 Highway 115, Little Falls, Minnesota 56345-4173 no later than **3:00 p.m. Central Time on August 27, 2019**. **Late responses will not be considered. Fax and email responses to this RFP will not be accepted or considered.**

A project site tour may be scheduled by contacting Ms. Lois Erickson at 320.616.2611 or lois.r.erickson.nfg@mail.mil.

The Department of Military Affairs is not obligated to complete the work contemplated in this notice and reserves the right to cancel the solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notice of Intent to Award a Single Source Contract

MnDOT is giving notice that it intends to award a Single Source Contract to West Central Initiative, Fergus Falls, MN.

The work to be performed is summarized as follows:

The contractor will conduct transportation planning, local government coordination, and other activities normally provided by a Regional Development Commission. The work involves a nine county area of Becker, Clay, Douglas, Grant, Otter Tail, Pope, Stevens, Traverse and Wilkin in MnDOT District 4. This area currently does not have a Regional Development Commission. These services will improve communications between MnDOT and the region's citizens and local governments. Experience in transportation planning and knowledge of local transportation issues, state and federal transportation funding and processes are required in order to support transportation planning and Area Transportation Partnership (ATP) support activities.

The expected results of the contract include:

- 1) An Active Transportation plan; 2) Transportation Alternatives Program support and local technical assistance; and
- 3) Area Transportation Partnership support.

The contract is expected to run from fall of 2019 to June 30, 2021.

The anticipated contract amount is \$150,000.

Questions concerning this Single Source Contract should be directed to Mary Safgren. Submit question by email only to: mary.safgren@state.mn.us. When emailing questions, please include in the subject line, "Single Source Contract Questions from (firm/organization name)".

All questions should be submitted via email by August 18, 2019.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: www.dot.state.mn.us/consult

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

