

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Pollution Control
(Agency or Board)

Regulation No. APC 3, 5, 12

Subject: Permits shutdowns, monitoring, Standards of Performance for Industrial Process Equipment and for motor vehicles and internal Combustion engines

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
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FILED
RICHARD L. BRUBACHER
Commissioner of Administration

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BY Eda Standenmaier
AUTH. SIGNATURE

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229

Alan R. Mitchell
Special Assistant Attorney General
Pollution Control Agency

June 11, 1976

APC 3, 5 and 12

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

FINDINGS OF FACT
APC 12

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 17th day of April, 1975, at 9:00 a.m. and again at 7:00 p.m. and again on the 18th day of April, 1975, at 9:00 a.m., and again on the 10th day of June, 1975, at 9:00 a.m. in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota, and again on April 23 at 9:00 a.m. in the Duluth, Minnesota, City Council Chambers in City Hall, and again on April 20, 1975, at 9:00 a.m. in the Moorhead, Minnesota, City Council Chambers in the City Hall, and again on May 1, 1975, at 9:00 a.m. at Mankato, Minnesota, at the Law Enforcement Center, 710 South Front Street, after proper notice required by Minnesota Statutes §15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all evidence adduced and upon the records, files and proceedings herein, the Agency finds the following:

1. In July, 1969, the Minnesota Pollution Control Agency (Agency) first promulgated a regulation restricting the amount of visible emissions which may be emitted by internal combustion engines. Minn. Reg. APC-12 (1969). That regulation also controlled the use of air pollution control devices on motor vehicles. In September, 1971, APC-12 was amended to relax the visible emission standard for diesel cycle engines.

2. APC-12 is intended to insure that motor vehicles are operated in good condition. Motor vehicles powered by an internal combustion engine burning gasoline can be operated without visible emissions.

3. Motor vehicles with diesel cycle engines will have visible emissions during certain periods of operation. The United States Environmental Protection Agency (EPA) has promulgated smoke emission restrictions for diesel cycle engines. 40 C.F.R. §86.077-11 (1974). These restrictions are applicable during periods of acceleration and lug-down. Motor vehicles with diesel cycle engines are able to meet these EPA standards. (Public Exhibit 3.)

4. The opacity standard in APC-12 for motor vehicles with diesel cycle engines is not intended to apply during periods of acceleration and lug-down but only during normal operating conditions. A standard which prohibits a certain opacity for more than 20 consecutive seconds will not affect the acceleration and lug-down periods. (Public Exhibit 9.)

5. Newer diesel cycle engines have less emissions than older ones. A motor vehicle with a diesel cycle engine that was manufactured before 1973 will not have visible emissions in excess of 20 percent opacity during normal operating periods if the engine is properly maintained and operated. Newer diesel cycle engines will not have visible emissions in excess of 10 percent opacity during normal operating conditions if the engine is properly maintained and operated.

6. Other devices besides motor vehicles which are powered by internal combustion engines, such as trains, boats, and construction equipment, can cause a pollution problem if they are not properly maintained and operated. Proper maintenance and operation of these devices should essentially eliminate visible emissions during normal operating conditions.

7. The design characteristics of two cycle engines are such that they will emit visible emissions for more than 10 consecutive seconds. Such emission is not indicative of an improperly tuned engine.

8. Federal law requires the manufacturers of certain newer motor vehicles and motor vehicle engines to meet emission standards for various pollutants emitted by the vehicle or engine. Section 202 of the Clean Air Act and 40 C.F.R. Parts 85 and 86 (1974). Manufacturers have used both add-on devices and changes in design of their engines in order to meet these federal emission standards. It is reasonable to require that these air pollution

control devices and systems be properly installed and operated on those motor vehicles which have them.

9. Federal law prohibits manufacturers and dealers from removing or rendering inoperative air pollution control devices or systems which are installed on motor vehicles to meet federal emission standards. Section 203(a)(3) of the Clean Air Act. APC-12 has always prohibited any person from removing or altering or rendering inoperative any air pollution control device or system or from operating a motor vehicle which does not have its air pollution control devices or systems in place and in proper operating condition. These restrictions are necessary to insure that motor vehicles operate with maximum abatement of air pollutants. It is also reasonable to prohibit the sale or transfer of automobiles which do not have their air pollution control devices or systems in place and in operating conditions. (April 17, 1975, Transcript at pp. 35-36.)

10. The removal of air pollution control systems on motor vehicles or motor vehicle engines for repair or replacement is necessary for maintaining the air pollution control system in proper operating condition and should not be prohibited. (Public Exhibit 9 at p. 2.)

11. Combustion of fossil fuel in stationary internal combustion engines results in the emission of particulate matter and sulfur dioxide. It is reasonable to require owners and

operators of such engines to meet emission standards similar to those established for indirect heat exchangers in APC-4. (April 17, 1975, Transcript at p. 36.)

DATED: May 6, 1976

MINNESOTA POLLUTION CONTROL AGENCY

Marion E. Watson
Chairwoman

Peter L. Gove
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

ORDER ADOPTING REGULATION APC 12

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 17th day of April, 1975, at 9:00 a.m. and again at 7:00 p.m. and again on the 18th day of April, 1975, at 9:00 a.m., and again on the 10th day of June, 1975, at 9:00 a.m. in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota, and again on April 23 at 9:00 a.m. in the Duluth, Minnesota, City Council Chambers in City Hall, and again on April 20, 1975, at 9:00 a.m. in the Moorhead, Minnesota, City Council Chambers in the City Hall, and again on May 1, 1975, at 9:00 a.m. at Mankato, Minnesota, at the Law Enforcement Center, 710 South Front Street, after proper notice required by Minnesota Statutes §15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all evidence adduced and upon the records, files and proceedings herein, and having confirmed the need for the above-captioned regulation:

NOW, THEREFORE, IT IS ORDERED that this amendment dated April 23, 1976, to this regulation identified as APC-12, entitled "Standards of Performance for Motor Vehicles and Stationary Internal Combustion Engines," is adopted this 4th day of May, 1976, pursuant to authority vested in the Minnesota Pollution Control Agency by Minnesota Statutes §116.07 subd. 4a (1974).

DATED: May 6, 1976

MINNESOTA POLLUTION CONTROL AGENCY

Marion E. Watson
Chairwoman

Peter L. Gove
Executive Director

CERTIFICATE OF AGENCY'S

ADOPTION OF RULES RESOLUTION

I, Peter L. Gove, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency duly and properly called and held on the 4th day of May, 1976; that a quorum was present at said meeting; and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the amendments to Minnesota Regulation APC-12, entitled "Standards of Performance for Motor Vehicles and Stationary Internal Combustion Engines," be and they hereby are approved and adopted pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. §116.07 subd. 4 (1974) and the Findings of Fact submitted by the staff are hereby adopted as the Findings of Fact of the Agency.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6 day of May, 1976.

Peter L. Gove
Executive Director

Subscribed and sworn to before me
this 6th day of May, 1976:

MARY E. WYATT
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires July 30, 1981

Mary E. Wyatt
Notary Public

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES
APC 12

I, Special Assistant Attorney General Alan R. Mitchell, do hereby declare that I have examined the proposed rules entitled "Standards of Performance for Motor Vehicles and Stationary Internal Combustion Engines," and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rulemaking Procedures has been followed.

Alan R. Mitchell

Alan R. Mitchell
Special Assistant
Attorney General

Dated: May 7, 1976

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

FINDINGS OF FACT
APC 5

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 17th day of April, 1975, at 9:00 a.m. and again at 7:00 p.m. and again on the 18th day of April, 1975, at 9:00 a.m., and again on the 10th day of June, 1975, at 9:00 a.m. in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota, and again on April 23 at 9:00 a.m. in the Duluth, Minnesota, City Council Chambers in City Hall, and again on April 20, 1975, at 9:00 a.m. in the Moorhead, Minnesota, City Council Chambers in the City Hall, and again on May 1, 1975, at 9:00 a.m. at Mankato, Minnesota, at the Law Enforcement Center, 710 South Front Street, after proper notice required by Minnesota Statutes §15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all evidence adduced and upon the records, files and proceedings herein, the Agency finds the following:

1. Presently Minnesota Regulation APC-5 restricts the amount of particulate matter which may be emitted from industrial process equipment. APC-5 was promulgated in July, 1969, and has not been amended since.

2. APC-5 uses all three major concepts of particulate control -- mass emission standards based on process weight, limitation on particulate concentration in the source gas, and collection efficiency of the control equipment. (April 17, 1975, Transcript at p. 24.)

3. For purposes of APC-5 "process weight" has been defined in APC-2(a)(13) as the weight of material introduced into the collection equipment or collection system. Minnesota is the only state to use such a definition of "process weight." The more common definition of "process weight" is that promulgated by the United States Environmental Protection Agency (EPA). EPA defines "process weight" as the total weight of all materials introduced into any specific process that may cause any emission of particulate matter, excluding liquid and gaseous fuels and combustion air but including solid fuels. 40 C.F.R. Part 51 Appendix B §2.5 (1974).

4. The Minnesota definition of "process weight" results in a more stringent restriction on the mass emission of particulate matter which may be emitted from industrial process equipment. With this definition of "process weight," Table 1 in APC-5, the process weight rate table, is essentially equivalent to a collection efficiency table which requires a minimum collection efficiency of 99.45%. Since this efficiency is stricter than what the regulation itself has specifically required, APC-5(b)(5) and (6), and since it

is more stringent than what Table 2 in APC-5, the source gas concentration table, would allow, Table 1 has not been used in Minnesota. (April 17, 1975, Transcript at pp. 24-25.)

5. Because Table 1 had not been used in the past, the Agency proposed to eliminate it and just rely on collection efficiency and the source gas concentration table. However, it appears that a process weight rate table which establishes a mass emission limitation is desirable. (May 1, 1975, Transcript at pp. 19, 28 and 36-37; June 10, 1975, Transcript at pp. 25 and 59; Public Exhibit 11 at p. 3; Public Exhibit 15 at p. 2; Public Exhibit 17 at p. 3; and Public Exhibit 18 at p. 4.)

6. It is reasonable to adopt the EPA process weight rate table. 40 C.F.R. Part 51 Appendix B §2.5 (1974). While the emission rate in the EPA table is less than the corresponding rate in Table 1 in the present APC-5, the change in the definition of "process weight" to correspond with the EPA definition makes the EPA table a reasonable limitation on particulate matter emissions. (May 1, 1975, Transcript at pp. 28 and 29; June 10, 1975, Transcript at p. 59; Public Exhibit 15 at pp. 2-4; Public Exhibit 18 at p. 4.)

7. APC-5 presently establishes an absolute upper limit on the concentration of particulate matter which may be emitted in any source gas, regardless of what the process weight table or collection efficiency requirement would allow. APC-5(b)(3). It is reasonable to maintain this restriction.

8. APC-5 is designed to restrict the emission of particulate matter from those sources for which a specific regulation has not been promulgated. Therefore, a provision must be included in APC-5 which limits its application only to those sources which are not included in another specific regulation.

9. "Processes or Process Equipment" has been defined in the past in APC-2(a)(12). It is necessary to include a definition of "industrial process equipment" in APC-5 and to clarify that the restrictions of APC-5 apply to each individual and specific source of particulate emissions.

10. The opacity restriction on particulate emissions from industrial processes has been contained in APC-11 in the past. In order to be consistent with the format in the other regulations, the opacity restriction is now found in APC-5.

11. APC-5 has always imposed a more stringent collection efficiency requirement on new industrial process equipment than on old ones. APC-5(b)(5). It is reasonable to maintain this more stringent collection efficiency requirement for new industrial process equipment. New industrial process equipment is that equipment which was in operation when APC-5 first took effect, which was July 9, 1969. In addition, new industrial process equipment with new collection equipment can meet a more stringent opacity requirement. See 40 C.F.R. Part 60 (1974).

12. While many kinds of collection equipment are available today which have a collection efficiency in excess of 90%, such as fabric filters, electrostatic precipitators, most wet

scrubbers, and perhaps some cyclones (April 17, 1975, Transcript at pp. 25 and 26), it appears reasonable at this time to maintain the 85% collection efficiency provision for industrial pro equipment which is located outside the Minneapolis-St. Paul Air Quality Control Region and farther than one-fourth mile from the nearest residence or public roadway. (Statement of the Lake Superior Industrial Bureau, dated June 27, 1975, at p. 4 and Public Exhibit 18 at p. 4.) The owner or operator of such sources, of course, shall be required to meet the ambient air quality standards.

13. While APC-21(b)(2) provides test methods for determining particulate emissions, it is consistent with the other regulations to include test methods in APC-5. APC-21 also recognizes that special test methods may be provided in specific regulations. While a modification in Method 5 to include certain condensible pollutants in the total particulates emitted is not required for all pollution sources (April 17, 1975, Transcript at pp. 32-33; April 23, 1975, Transcript at pp. 17-18; April 29, 1975, Transcript at pp. 22-23; June 10, 1975, Transcript at pp. 105-106; Statement of United States Steel Corporation, dated June 24, 1975, at p. 3; Statement of Lake Superior Industrial Bureau, dated June 27, 1975, at p. 1; Statement of Pickands Mather & Co., dated June 27, 1975, at p. 1) some industrial process equipment emits gaseous, organic pollutants which condense at standard conditions of temperature and pressure with a resultant potential odor

problem. Therefore, persons who emit these kinds of pollutants must include them in determining the amount or concentration of particulate matter being emitted from the industrial process equipment in order to eliminate a potential odor problem. (April 17, 1975, Transcript at pp. 32-33.)

DATED: May 5, 1976

MINNESOTA POLLUTION CONTROL AGENCY

Marion E. Watson
Chairwoman

Peter L. Gove
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

ORDER ADOPTING REGULATION APC 5

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 17th day of April, 1975, at 9:00 a.m. and again at 7:00 p.m. and again on the 18th day of April, 1975, at 9:00 a.m., and again on the 10th day of June, 1975, at 9:00 a.m. in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota, and again on April 23 at 9:00 a.m. in the Duluth, Minnesota, City Council Chambers in City Hall, and again on April 20, 1975, at 9:00 a.m. in the Moorhead, Minnesota, City Council Chambers in the City Hall, and again on May 1, 1975, at 9:00 a.m. at Mankato, Minnesota, at the Law Enforcement Center, 710 South Front Street, after proper notice required by Minnesota Statutes §15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all evidence adduced and upon the records, files and proceedings herein, and having confirmed the need for the above-captioned regulation:

NOW, THEREFORE, IT IS ORDERED that this amendment dated April 23, 1976, to this regulation identified as APC-5, entitled "Standards of Performance for Industrial Processes," is adopted this 4th day of May, 1976, pursuant to authority vested in the Minnesota Pollution Control Agency by Minnesota Statutes §116.07 subd. 4a (1974).

DATED: May 5, 1976

MINNESOTA POLLUTION CONTROL AGENCY

Marion E. Watson
Chairwoman

Peter L. Gove
Executive Director

CERTIFICATE OF AGENCY'S

ADOPTION OF RULES RESOLUTION

I, Peter L. Gove, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency duly and properly called and held on the 4th day of May, 1976; that a quorum was present at said meeting; and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the amendments to Minnesota Regulation APC-5, entitled "Standards of Performance for Industrial Process Equipment," be and they hereby are approved and adopted pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. §116.07 subd. 4 (1974) and the Findings of Fact submitted by the staff are hereby adopted as the Findings of Fact of the Agency.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 5 day of May, 1976.

Peter L. Gove
Executive Director

Subscribed and sworn to before me
this 5th day of May, 1976:

MARY E. WYATT
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires July 30, 1981

Mary E. Wyatt
Notary Public

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES
APC 5

I, Special Assistant Attorney General Alan R. Mitchell, do hereby declare that I have examined the proposed rules entitled "Standards of Performance for Industrial Processes," and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rulemaking Procedures has been followed.

Alan R. Mitchell

Alan R. Mitchell
Special Assistant
Attorney General

Dated: May 7, 1976

FINAL

March 14, 1975

APC 3 PERMITS, SHUTDOWNS, AND BREAKDOWNS, EMISSION SOURCE MONITORING, MEASUREMENT OF AIR CONTAMINANTS EMISSION

APC 3 is amended as follows:

1. The title is amended to read: APC 3 PERMITS

2. Subsections (j), (k), and (l) are repealed.

CHAPTER 5: APC 5

APC 5 STANDARDS OF PERFORMANCE FOR INDUSTRIAL PROCESS EQUIPMENT

(a) Definitions

As used in this regulation, the following words shall have the meanings defined herein:

(1) "Collection efficiency" means the percent of the total amount of particulate matter entering the control equipment which is removed from the exhaust stream by the control equipment and is calculated by the following equation:

$$\text{collection efficiency} = \frac{100(A-B)}{A}$$

Where

A = the amount (grams or pounds) or the concentration (gr/SCF) of particulate matter entering the collection equipment

B = the amount (grams or pounds) or the concentration (gr/SCF) of particulate matter leaving the control equipment

(2) "Industrial process equipment" means any equipment, apparatus, or device embracing chemical, industrial, or manufacturing facilities such as ovens, mixing kettles, heating and reheating furnaces, kilns, stills, dryers, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that may emit any air contaminant such as smoke, odor, particulate matter, or gaseous matter. Industrial process equipment is an "affected facility." An emission facility may consist of more than one unit of industrial process equipment.

(3) "Process weight" means the total weight in a given time period of all materials introduced into any industrial process equipment that may cause any emission of particulate matter. Solid fuels charged are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour is derived by dividing the process weight for a typical period of time.

(b) Applicability

This regulation shall apply to industrial process equipment for which a standard of performance has not been promulgated in a specific regulation.

(c) Standards of Performance for Pre 1969 Industrial Process Equipment

(1) No owner or operator of any industrial process equipment which was in operation before July 9, 1969, shall cause to be discharged into the atmosphere from the industrial process equipment any gases which:

(aa) In any one hour contain particulate matter in excess of the amount permitted in Table 1 for the allocated process weight; provided that the owner or operator shall not be required to reduce the particulate matter emission below the concentration permitted in Table 2 for the appropriate source gas volume; provided further that regardless of the mass emission permitted by Table 1, the owner or operator shall not be permitted to emit particulate matter in a concentration in excess of 0.30 grains per standard cubic foot of exhaust gas; or

(bb) Exhibit greater than 20 percent opacity, except that a maximum of 60 percent opacity shall be permissible for 4 minutes in any 60 minute period and a maximum of 40 percent opacity shall be permissible for 4 additional minutes in any 60 minute period.

(2) The owner or operator of any industrial process equipment which was in operation before July 9, 1969, which has control equipment with a collection efficiency of not less than 99 percent by weight shall be considered in compliance with the requirements of subsection (c)(1)(aa) of this regulation.

(3) The owner or operator of any industrial process equipment which was in operation before July 9, 1969, which is located outside the Minneapolis-St. Paul Air Quality Control Region and the City of Duluth, which is located not less than one-fourth mile from any residence or public roadway, and which has control equipment with a collection efficiency of not less than 85 percent by weight, and the operation of the entire emission facility does not cause a violation of the ambient air quality standards, shall be considered in compliance with the requirements of subsection (c)(1)(aa) of this regulation.

(d) Standards of Performance for Post 1969 Industrial Process Equipment

(1) No owner or operator of any industrial process equipment which was not in operation before July 9, 1969, shall cause to be discharged into the atmosphere from the industrial process equipment any gases which:

(aa) In any one hour contain particulate matter in excess of the amount permitted in Table 1 for the allocated process weight; provided that the owner or operator shall not be required to reduce the particulate matter emission below the concentration permitted in Table 2 for the appropriate source gas volume; provided that regardless of the mass emission permitted by Table 1, the owner or operator shall not be permitted to emit particulate matter in a concentration in excess of 0.30 grains per standard cubic foot of exhaust gas; or

(bb) Exhibit greater than 20 percent opacity.

(2) The owner or operator of any industrial process equipment which was not in operation before July 9, 1969, which has control equipment with a collection efficiency of not less than 99.7 percent by weight shall be considered in compliance with the requirements of subsection (d)(1)(aa) of this regulation.

(3) The owner or operator of any industrial process equipment which was in operation after July 9, 1969, which is located outside the Minneapolis-St. Paul Air Quality Control Region and the City of Duluth, which is located not less than one-fourth mile from any residence or public roadway, and which has control equipment with a collection efficiency of not less than 85 percent by weight, and the operation of the entire emission facility does not cause a violation of the ambient air quality standards, shall be considered in compliance with the requirements of subsection (d)(1)(aa) of this regulation.

(e) Performance Test Methods

Unless another method is approved by the Agency, any owner or operator required to submit performance tests for any industrial process equipment shall utilize the following test methods:

(1) Method 1 for sample and velocity traverses,

(2) Method 2 for velocity and volumetric flow rate,

(3) Method 3 for gas analysis,

(4) Method 5 for the concentration of particulate matter and associated moisture content,

(5) Method 9 for visual determination of the opacity of emissions from stationary sources.

(f) Performance Test Procedures

In the event that emissions from any industrial process equipment contain organic vapors which condense at standard conditions of temperature and pressure, the following changes in Method 5 for determining particulate emissions shall be made:

(1) Paragraph 4.2 (Sample Recovery) in Method 5 is amended to read as follows:

4.2 Sample Recovery. Exercise care in moving the collection train from the test site to the sample recovery area so as to minimize the loss of collected sample or the gain of extraneous particulate matter. Set aside a portion of the acetone and water used in the sample recovery as a blank for analysis. Place the samples in containers as follows:

Container #1. Remove the filter from its holder, place in this container, and seal.

Container #2. Place loose particulate matter and water and acetone washings from all sample-exposed surfaces preceding the filter paper in this container and seal. The probe and nozzle should be scrubbed with a stiff brush and distilled water, followed by an acetone rinse. If these solvents do not do a good cleaning job, an adequate solvent must be found and used. Use a razor blade or rubber policeman to loosen adhering particles if necessary.

Container #3. Measure the volume of water from the first three impingers and place the water in this container. Place water rinsings of all sample-exposed surfaces between the filter and fourth impinger in this container prior to sealing.

Container #4. Transfer the silica gel from the fourth impinger to the original container and seal. Use a rubber policeman as an aid in removing silica gel from the impinger.

Container #5. Thoroughly rinse all sample-exposed surfaces between the filter paper and fourth impinger with acetone, place the washings in this container and seal.

(2) Paragraph 4.3 (Analysis) in Method 5 is amended to read as follows:

4.3 Analysis. Record the data required on the example sheet shown in figure 5-3. Handle each sample container as follows:

Container #1. Transfer the filter and any loose particulate matter from the sample container to a tared glass weighing dish, desiccate, and dry to a constant weight. Report results to the nearest 0.5 mg.

Container #2. Transfer the washings to a tared beaker and evaporate to dryness at ambient temperature and pressure. Desiccate and dry to a constant weight. Weigh to the nearest 0.5 mg.

Container #3. Extract organic particulate from the impinger solution with three 25 ml portions of chloroform. Complete the extraction with three 25 ml portions of ethyl ether. Combine the ether and chloroform extracts, transfer to a tared beaker and evaporate at 70°F until no solvent remains. Desiccate, dry to a constant weight, and report the results to the nearest 0.5 mg.

Container #4. Weigh the spent silica gel and report to the nearest gram.

Container #5. Transfer the acetone washings to a tared beaker and evaporate to dryness at ambient temperature and pressure. Desiccate, dry to a constant weight, and report the results to the nearest 0.5 mg.

TABLE 1

Process Weight Rate (lbs./hr.)	Emission Rate (lbs./hr.)
50	0.08
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in Table 1 for the process weight rates up to 60,000 lbs./hr. shall be accomplished by the use of the equation:

$$E = 3.59P^{0.62} \qquad P \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31P^{0.16} \qquad P > 30 \text{ tons/hr.}$$

Where E = Emissions in pounds per hour
P = Process weight rate in tons per hour

TABLE 2

Source Gas Volume, SCFM[a]	Concentration GR/SCF[b]	Source Gas Volume, SCFM[a]	Concentration GR/SCF[b]
7,000 or less	0.100	140,000	0.038
8,000	0.096	160,000	0.036
9,000	0.092	180,000	0.035
10,000	0.089	200,000	0.034
20,000	0.071	300,000	0.030
30,000	0.062	400,000	0.027
40,000	0.057	500,000	0.025
50,000	0.053	600,000	0.024
60,000	0.050	800,000	0.021
80,000	0.045	1,000,000 or more	0.020
100,000	0.042		
120,000	0.040		

[a] Standard cubic feet per minute
[b] Grains per standard cubic foot.

FINAL

April 23, 1976

CHAPTER 12: APC-12

APC 12 STANDARDS OF PERFORMANCE FOR MOTOR VEHICLES AND STATIONARY INTERNAL COMBUSTION ENGINES

(a) Definitions

As used in this regulation, the following words shall have the meanings defined herein:

(1) "Air pollution control system" means any device or element of design installed on or in any motor vehicle or motor vehicle engine in order to comply with pollutant emission restrictions established for the motor vehicle or motor vehicle engine by federal statute or regulation.

(2) "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine and designed for use on the public highways including, but not limited to, automobiles, trucks, and buses.

(b) Standards of Performance for Motor Vehicles

(1) No person shall cause or permit the emission of visible air contaminants from a motor vehicle, other than one powered by a diesel cycle engine, for more than ten (10) consecutive seconds.

(2) No person shall cause or permit the emission of visible air contaminants from a motor vehicle powered by a diesel cycle engine:

(aa) In excess of 20 percent opacity for more than 20 consecutive seconds if the engine was manufactured prior to January 1, 1973; or

(bb) In excess of 10 percent opacity for more than 20 consecutive seconds if the engine was manufactured after January 1, 1973.

(c) Standards of Performance for Trains, Boats, and Construction Equipment

No person shall cause or permit the emission of visible air contaminants from a train, boat, or construction equipment, which is powered by an internal combustion engine, in excess of the limits set forth in subsection (b) of this regulation.

(d) Exemption

The provisions of this regulation do not apply to two-cycle internal combustion engines.

(e) Air Pollution Control Systems

(1) No person shall remove, alter, or otherwise render inoperative any air pollution control system.

(2) No person shall operate a motor vehicle unless all air pollution control systems are in place and in operating condition.

(3) No person shall rent, lease, offer for sale, or in any manner transfer ownership of a motor vehicle unless all air pollution control systems are in place and in operating condition.

(4) The requirements of subsection (e) shall not restrict or prohibit the removal of any air pollution control system for repair or replacement.

(f) Standards of Performance for Stationary Internal Combustion Engines

(1) No owner or operator of any stationary internal combustion engine shall cause or permit the emission of visible air contaminants from the engine in excess of 20 percent opacity for more than ten (10) consecutive seconds once operating temperatures have been obtained.

(2) No owner or operator of any stationary internal combustion engine shall cause to be discharged into the atmosphere from the engine any gases which contain sulfur dioxide in excess of 1.75 pounds per million BTU actual heat input if the engine is located in the Minneapolis-St. Paul Air Quality Control Region or if the engine is located outside the Minneapolis-St. Paul Air Quality Control Region but has a total rated heat input greater than 250 million BTU per hour.

(3) The actual heat input and rated heat input of an internal combustion engine shall be determined in accordance with the provisions set forth in APC-4.

APPROVED AS TO FORM AND LEGALITY
JUN 4 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 4 - 1976 - 2:30 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JUN 4 1976
BY Eda Staudenmaier
AUTH. SIGNATURE
2:55 pm

Proposed
March 14, 1975

APC 12 STANDARDS OF PERFORMANCE FOR MOTOR VEHICLES AND STATIONARY INTERNAL COMBUSTION ENGINES

(a) Motor Vehicles

(1) No person shall cause or permit the emission of visible air contaminants from any motor vehicle, other than one powered by a diesel cycle engine, for more than 10 consecutive seconds.

(2) No person shall cause or permit the emission of visible air contaminants from any motor vehicle powered by a diesel cycle engine:

(i) In excess of 20 percent opacity for more than 10 consecutive seconds if the engine was manufactured prior to January 1, 1973, and

(ii) In excess of 10 percent opacity for more than 10 consecutive seconds if the engine was manufactured after January 1, 1973.

(3) No person shall intentionally remove, alter or otherwise render inoperative, any air pollution control device which has been installed on a motor vehicle as a requirement of federal law or regulation.

(4) No person shall operate a motor vehicle unless all air pollution control devices which have been installed as a requirement of federal law or regulation are in place and in operating condition.

(5) No person shall offer for sale, lease, rent or in any manner transfer ownership of a motor vehicle in which any air pollution control device that was originally installed as a requirement of federal law or regulation has been altered, removed, or rendered inoperative from such motor vehicle.

(b) Stationary Internal Combustion Engines

No owner or operator of any stationary internal combustion engine shall cause to be discharged into the atmosphere any gases:

(1) Which contain particulate matter in excess of 0.4 pounds per million BTU heat input;

(2) Which exhibit greater than 20% opacity; except that a maximum of 60% opacity shall be permissible for four minutes in any 60 minute period and that a maximum of 40% opacity shall be permissible for four additional minutes in any 60 minute period; and

(3) Which contain sulfur dioxide in excess of 1.75 pounds per million BTU heat input; except that any such owner or operator who burns a gaseous or liquid fuel with a sulfur content not exceeding 0.8 pounds of sulfur per million BTU shall be deemed to be in compliance with the requirements of this provision.

(c) Exemption. Where the presence of uncombined water is the only reason for failure to meet the visible emission restrictions of paragraph (a) or (b), such emission shall not be deemed a violation.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

STATEMENT OF NEED

The above-captioned regulations are both amendments to existing regulations and new regulations for the Minnesota Pollution Control Agency. The need to adopt these amendments and regulations arises for the following reasons:

1. Section 111 of the Clean Air Act (42 U.S.C. §1857c-6) authorizes the United States Environmental Protection Agency (EPA) to promulgate regulations establishing standards of performance for new stationary souces within certain categories published by EPA. Pursuant to this authority EPA has promulgated new source performance standards for the following stationary sources: steam generators, incinerators, portland cement plants, nitric acid plants. sulfuric acid plants, asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage sludge incinerators. These standards are found in Title 40, Code of Federal Regulations, Part 60.

2. Section 112 of the Clean Air Act (42 U.S.C. §1857c-7) authorizes EPA to identify and to promulgate emission standards for hazardous air pollutants. Pursuant to this authority EPA has promulgated standards for asbestos, mercury, and beryllium. These standards are found in Title 40, Code of Federal Regulations, Part 61.

3. The new source performance standards and the hazardous air pollutant standards promulgated by EPA contain emission limitations, monitoring and reporting requirements, and performance test methods and procedures. These EPA regulations are federal law and are enforceable by the federal government against persons who install and operate stationary sources in Minnesota.

4. The Clean Air Act (42 U.S.C. §1657) recognizes that the States have the primary responsibility for prevention and control of air pollution. Sections 111 and 112 of the Clean Air Act both recognize that each State may develop and submit to EPA

a procedure for implementing and enforcing new source performance standards and hazardous air pollutant standards promulgated by EPA. EPA has encouraged the States to assume responsibility for implementation and enforcement of these standards and has made grant monies available to States which adopt an acceptable procedure for doing so.

5. The PCA does intend to assume responsibility for implementation and enforcement of the federal standards in Minnesota. The procedure to be used is the adoption of state regulations which impose the same or similar requirements as the federal standards. Adoption of state regulations will make these standards enforceable by the State. The need, then, for adoption of these regulations is to allow the State to assume responsibility for implementation and enforcement of federal new source performance standards and federal hazardous air pollutant standards.

6. The PCA has already adopted regulations which apply to all kinds of stationary sources, including the kinds of sources for which EPA has promulgated a federal standard. (These regulations include air pollution control regulations APC 4, 5, 6, 7, 11, 13, 15 and 16.) In most cases, however, the PCA has not adopted a specific regulation for a certain, identifiable source, i.e., there is not a specific regulation for secondary lead smelters or petroleum refineries, but instead APC 5, which applies to all industrial processes, is applicable. It would be undesirable to adopt one specific regulation for new sources and maintain the present, general regulation for old sources of the same kind. Therefore, there is a need to adopt one specific regulation which provides standards for existing sources based on the existing PCA regulation and standards for new sources based on the federal regulation.

7. In some instances where no specific regulation exists for a particular stationary source, some confusion and difficulty has arisen in applying the general regulation. There is a need to adopt a specific regulation for such sources as coke plants, grain elevators, and recovery boilers to eliminate any ambiguities in applying APC 5 and 6. (Specific regulations for coke plants (APC 20), grain handling facilities (APC 29), and direct heating equipment (APC 32) have been proposed.)

8. Pollution control technology and expertise have continued to expand in the years since the present regulations were first adopted. The federal new source performance standards indicate that improved technology is available in many areas. There is a need to amend existing regulations in cases where more stringent emission restrictions are reasonable and feasible. Also, the proposal of specific regulations for particular sources, which sources presently fall under the general regulations such as APC 5, 6, and 11, requires amendment of the general regulations to allow for the removal of certain sources from the requirements of these general regulations.

9. In some cases, however, experience and research have indicated that present regulations may contain emission limitations that cannot be reasonably achieved for existing facilities. For example, on August 20, 1974 the PCA signed a stipulation agreement with North Star Chemicals Company which provided for reduction of emissions to a level which is in excess of the levels in APC 15. The proposed amendment to APC 15 relaxes the present requirements and provides for control of emissions in accordance with the provisions of the stipulation agreement. There is a need then, too, to amend existing regulations to relax those requirements which no longer appear to be reasonable and feasible.

10. Many of the present regulations contain provisions and time schedules that have become obsolete. For example, APC 4 contains a June 1, 1972, effective date for a sulfur content restriction and APC 8 requires municipalities to report to the PCA within three months of the effective date of the regulation, which was June 5, 1970. There is a need to amend several of the present regulations to remove obsolete provisions.

11. Further, there is a need to provide certain housekeeping changes in the regulations. For example, amendments to APC 8 are necessary to clarify who is entitled to issue open burning permits.

Dated this 14th day of March, 1975.

MINNESOTA POLLUTION CONTROL AGENCY

By Grant J. Merritt

Grant J. Merritt
Executive Director

Proposed

March 14, 1975

APC 3 PERMITS, SHUTDOWNS, AND BREAKDOWNS, EMISSION SOURCE MONITORING, MEASUREMENT OF AIR CONTAMINANTS EMISSION

APC 3 is amended as follows:

1. The title is amended to read: APC 3 PERMITS

2. Subsections (j), (k), and (l) are repealed.

Proposed

March 14, 1975

APC-5 RESTRICTION OF EMISSIONS OF PARTICULATE MATTER FROM INDUSTRIAL PROCESSES

(a) Definitions

(1) For the purposes of this regulation, "industrial process" means any emission facility not covered by a specific source regulation.

(b) Emission Limitations

(1) Existing Industrial Processes

(aa) No person shall cause, suffer, allow, or permit the emission of particulate matter from any existing industrial process to exceed the concentration specified in Table 1.

(bb) Any existing industrial process which has collection equipment with a collection efficiency of 99 percent by weight shall be considered to be in compliance with the requirements of this regulation.

(cc) Any existing industrial process located outside the Minneapolis-St. Paul Metropolitan Air Quality Control Region or the City of Duluth which has particulate collection equipment with a collection efficiency of not less than 90 percent by weight, and is located not less than one fourth mile from any residence or public roadway, and the operation thereof does not create a suspended particulate concentration in the ambient air beyond the property lines of the emission facility which is above the ambient air quality standards, shall

be considered as meeting the provisions of this regulation.

(2) New Industrial Processes

(aa) No person shall cause, allow or permit the emission of particulate matter from any new industrial process to exceed the concentration specified in Table 1.

(bb) Any new industrial process which has collection equipment with a collection efficiency of 99.7 percent by weight shall be considered to be in compliance with the requirements of this regulation.

(cc) Any new industrial process located outside the Minneapolis-St. Paul Metropolitan Air Quality Control Region or the City of Duluth which has particulate collection equipment with a collection efficiency of not less than 90 percent by weight, and is located not less than one fourth mile from any residence or public roadway, and the operation thereof does not create a suspended particulate concentration in the ambient air beyond the property lines of the emission facility which is above the ambient air quality standards, shall be considered as meeting the provisions of this regulation.

(3) TABLE 1

Source Gas Volume, SCFM[a]	Concentration GR/SCF[b]	Source Gas Volume, SCFM[a]	Concentration GR/SCF[b]
7,000 or less	0.100	140,000	0.038
8,000	0.096	160,000	0.036
9,000	0.092	180,000	0.035
10,000	0.089	200,000	0.034
20,000	0.071	300,000	0.030
30,000	0.062	400,000	0.027
40,000	0.057	500,000	0.025
50,000	0.053	600,000	0.024
60,000	0.050	800,000	0.021
80,000	0.045	1,000,000 or more	0.020
100,000	0.042		
120,000	0.040		

[a]Standard cubic feet per minute (See APC 2)
[b]Grains per standard cubic foot.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

FINDINGS OF FACT
APC 3

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 17th day of April, 1975, at 9:00 a.m. and again at 7:00 p.m. and again on the 18th day of April, 1975, at 9:00 a.m., and again on the 10th day of June, 1975, at 9:00 a.m. in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota, and again on April 23 at 9:00 a.m. in the Duluth, Minnesota, City Council Chambers in City Hall, and again on April 20, 1975, at 9:00 a.m. in the Moorhead, Minnesota, City Council Chambers in the City Hall, and again on May 1, 1975, at 9:00 a.m. at Mankato, Minnesota, at the Law Enforcement Center, 710 South Front Street, after proper notice required by Minnesota Statutes §15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all evidence adduced and upon the records, files and proceedings herein, the Agency finds the following:

1. The Minnesota Pollution Control Agency (Agency) first promulgated a regulation regarding the reporting of breakdowns and shutdowns of control equipment in April, 1972. Minn. Reg. APC 3(a)(5) (1972). This provision is now found in Minn. Reg. APC 3(j).

2. The Agency first promulgated a regulation providing for emission source monitoring in April, 1972. Minn. Reg. APC 3(b) (1972). This provision is now found in Minn. Reg. APC 3(k).

3. The Agency first promulgated a regulation providing for the measurement of emission of air contaminants in July, 1969. Minn. Reg. APC 3(b) (1969). This provision is now found in Minn. Reg. APC 3(l).

4. The Agency proposed to repeal subsections (j), (k), and (l) in APC 3 for the reason that a new regulation, APC 21, was proposed to be adopted which would include provisions regarding reporting of shutdowns and breakdowns, emission source monitoring, and measurement of emissions of air contaminants.

5. On March 23, 1976, the Agency approved and adopted Minn. Reg. APC 21, entitled "Emission Source Monitoring, Performance Tests, Reports, Shutdowns and Breakdowns." This regulation contains provisions that replace Minn. Reg. APC 3(j), (k), and (l). Thus, these subsections of APC 3 are no longer necessary.

6. With subsections (j), (k), and (l) removed from Minn. Reg. APC 3, APC 3 will apply only to installation and operating permits.

DATED: May 6, 1976

MINNESOTA POLLUTION CONTROL AGENCY

Marion E. Watson
Chairwoman

Peter L. Gove
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

ORDER ADOPTING REGULATION APC 3

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 17th day of April, 1975, at 9:00 a.m. and again at 7:00 p.m. and again on the 18th day of April, 1975, at 9:00 a.m., and again on the 10th day of June, 1975, at 9:00 a.m. in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota, and again on April 23 at 9:00 a.m. in the Duluth, Minnesota, City Council Chambers in City Hall, and again on April 20, 1975, at 9:00 a.m. in the Moorhead, Minnesota, City Council Chambers in the City Hall, and again on May 1, 1975, at 9:00 a.m. at Mankato, Minnesota, at the Law Enforcement Center, 710 South Front Street, after proper notice required by Minnesota Statutes §15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all evidence adduced and upon the records, files and proceedings herein, and having confirmed the need for the above-captioned regulation:

NOW, THEREFORE, IT IS ORDERED that this amendment to APC 3 repealing subsections (j), (k), and (1) and changing the title is adopted this 4th day of May, 1976, pursuant to authority vested in the Minnesota Pollution Control Agency by Minnesota Statutes §116.07 subd. 4 (1974).

DATED: May 6, 1976

MINNESOTA POLLUTION CONTROL AGENCY

Marion E. Watson
Chairwoman

Peter L. Gove
Executive Director

CERTIFICATE OF AGENCY'S

ADOPTION OF RULES RESOLUTION

I, Peter L. Gove, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency duly and properly called and held on the 4th day of May, 1976; that a quorum was present at said meeting; and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the amendments to Minnesota Regulation APC 3, entitled "Permits, Shutdowns and Breakdowns, Emission Source Monitoring, Measurement of Air Contaminants Emission," to repeal subsections (j), (k), and (l) and to change the title to "Permits" be and they hereby are approved and adopted pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. §116.07 (1974) and the Findings of Fact submitted by the staff are hereby adopted as the Findings of Fact of the Agency.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6 day of May, 1976.

Peter L. Gove
Executive Director

Subscribed and sworn to before me
this 6th day of May, 1976:

MARY E. WYATT
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires July 30, 1981

Mary E. Wyatt
Notary Public

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Amendments to Air Pollution Control Regulations APC 2, 3, 4, 5, 7, 8, 11, 12, 13, 15, and 16 and New Regulations APC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES
APC 3

I, Special Assistant Attorney General Alan R. Mitchell, do hereby declare that I have examined the proposed rules entitled "Permits," and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rulemaking Procedures has been followed.

Alan R. Mitchell

Alan R. Mitchell
Special Assistant
Attorney General

Dated: May 7, 1976