

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ADMIN 1000 (Rev. 1 78)
SF-00006-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO : TERRY M. HOFFMAN
Executive Director
Polution Control Agency

DATE: 10/22/80

Attn: JOCELYN F. OLSON

FROM : H. THEODORE GRINDAL HTG
Special Assistant
Attorney General

PHONE: 297-3471

SUBJECT: Rules as Approved In the Matter of Proposed Minn. Rules APC 33, 6 MCAR § 4.0033, Standards of Performance of Coal Handling Facilities Within Designated Areas

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

HTG/bw
Encl.
cc: Duane Harves
Susan Robertson
James T. Shields

Our File 640

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 10/2 DUE DATE 10/22

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓
5. Notice of Hearing A) ✓ 8.13.80 B) correction of notice C) ✓ rescheduled hrg 9/10 et seqs
   Sufficiency A) not sufficient B) ✓ C) ✓
   D) Reconvened hrg ✓ 11.28.80 omits date D) ✓ sufficient
6. Secretary of State's List A) ✓ B) ✓ C) ✓ (one copy only)
7. Certificate of Acquisition of Secretary of State's List A) ✓ C) ✓ D) ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency A) _____ C) ✓ D) ✓
9. Affidavit of Mailing A) ✓ B) ✓ C) ✓
   At least 30 days prior to hearing A) ✓ C) ✓ 9.20. D) ✓
10. Publication in State Register A) omits date B) correction C) rescheduled hrg
    At least 30 days prior to hearing A) _____ C) ✓
    D) ✓ _____ D) ✓ 10.22.80
11. Statement of Need and Evidence A) ✓ _____ B) ✓ Rehearing
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓
14. Certificate of Board's Resolution Adopting Rules, where applicable A) ✓ 6.2.80 B) Resolution Amending Rules 6.30 80
15. Order Adopting A) ✓ 5.27.80 B) Order Amending 7.17.80
16. Report of Chief Hearing Examiner A) No Substantial Chge ✓ 7.8.80 B) Order + Memo 6.16 80 C) Order 9.23.80
17. Order Approving Incorporation by Reference, where applicable ? (attached to Memo of MPCA of 10.2.80)
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable ✓ 6.12.78
20. Petition by Public, where applicable N/A
21. Exhibit List ✓
22. Staff memo of MPCA in support of adoption of rules ✓ 5.15.80
23. Memo of MPCA in support of adoption of rules ✓ 10.2.80 – attached is 16 C - [illegible]

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR
§4.0033, Standards of Performance
for Coal Handling Facilities
Within Designated Areas

No. PCA-79-012-HK

CERTIFICATE OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Jocelyn F. Olson, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable requirements, all rulemaking procedures required by statute and rule have been followed.

Jocelyn F. Olson

JOCELYN F. OLSON
Special Assistant
Attorney General

Dated: October 2, 1980

CA-79-012-HK

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE POLLUTION CONTROL AGENCY

IN THE MATTER OF PROPOSED)
MINNESOTA RULES APC 33,)
6 MCAR § 4.0033, STANDARDS)
OF PERFORMANCE FOR COAL)
HANDLING FACILITIES, AND)
APC 40, 6 MCAR § 4.0040,)
FUGITIVE EMISSIONS WITHIN)
DESIGNATED AREAS.)

ORDER OF THE
CHIEF HEARING EXAMINER

(A)

WHEREAS, the Board of the Minnesota Pollution Control Agency (hereinafter "PCA") by Order dated May 27, 1980, adopted rules in the above-referenced matter and submitted the rules for review by the Chief Hearing Examiner, pursuant to the provisions of Minn. Stat. § 15.052, subd. 4, and Rule 9 MCAR § 2.110, following which the Chief Hearing Examiner issued his Order on June 16, 1980; and

WHEREAS, on June 24, 1980, the PCA adopted certain changes in the rules and did, on July 1, 1980, submit the changes in the rules to the Chief Hearing Examiner for his review to determine whether or not the June 24, 1980, changes are substantial changes; and

WHEREAS, the Chief Hearing Examiner, having reviewed the June 24, 1980, changes in the rules, giving consideration to the elements contained in Rule 9 MCAR § 2.111, concludes as follows: that the changes in the above-referenced rules made by the PCA on June 24, 1980, are not substantial changes.

Dated this 8th day
of July, 1980.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

AG copy

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. PCA-79-012-HK

ORDER ADOPTING MINN. RULE APC 33, 6 MCAR §4.0033

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency on the 27th day of May, 1980, in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable standards or criteria, and having established the need for and reasonableness of the above-captioned rules:

NOW, THEREFORE, IT IS ORDERED this 27th day of May, 1980, that pursuant to authority vested in the Agency by Minn. Stat. §116.07 subd. 2 and 4 (1978), Minn. Rule APC 33, 6 MCAR §4.0033, standards of performance for coal handling facilities, is hereby adopted in the form published at 4 State Register 623-626 (October 22, 1979), and amended as follows:

Minn. Rule APC 33.B.1.a., last sentence, is amended to replace the word "suppressants" with the word "agents." The sentence as amended shall state:

> Access areas surrounding coal stockpiles and parking facilities which are located within a coal handling facility shall be treated with chemical agents.

Minn. Rule APC 33.B.4.a. is amended to delete the last sentence thereof, which provides: "Control fugitive particulate emissions during loading by the above-referenced methods so as not to exceed 20 percent opacity."

Minn. Rule APC 33.D.1.b. is amended to delete "20 percent" and to replace such language with "10 percent."

Minn. Rule APC 33.E is amended to delete subsection 1, which provides:

> 1. Visible emission (opacity) requirements of B.4.2. of this rule shall not apply when the wind speed is greater than 25 miles per hour as determined at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

Dated: 5/27/80

MINNESOTA POLLUTION CONTROL AGENCY

Art Engelbrecht, Chairman

Terry Hoffman, Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR
§4.0033, Standards of Performance
for Coal Handling Facilities
in Designated Areas.

No. PCA-79-012-HK

ORDER AMENDING
MINN. RULE APC 33,
6 MCAR §4.0033

The above-entitled rules were adopted by the Minnesota Pollution Control Agency on the 27th of May, 1980. It is the desire of the Agency to make one amendment to the rule as adopted, which amendment is for the purpose of clarification of Section G. of the rule. This section as amended herein is supported by the record as being needed and reasonable. The matter of this amendment came before the Agency at its regular meeting on the 24th day of June, 1980, in the Board Room of the Agency offices, 1935 West County Road B2, Roseville, Minnesota.

NOW THEREFORE, IT IS ORDERED that Minn. Rule APC 33.G. is amended to add the word "equivalent" to the phrase: "Unless another method is approved by the Director." This phrase shall provide: "Unless another equivalent method is approved by the Director."

MINNESOTA POLLUTION
CONTROL AGENCY

Dated July 17, 1980

Art Engelbrecht
Chairman

Dated July 11, 1980

Terry Hoffman
Executive Director

AG copy.

RULE AS ADOPTED

6 MCAR §4.0033 Standards of performance for coal handling facilities within designated areas.

A. Definitions. As used in this rule the following words shall have the meanings defined herein:

1. "Coal" means any solid fossil fuel described as anthracite, bituminous, subbituminous, lignite, or coke (as derived from coal).

2. "Coal handling facility" means a facility where coal is handled such as coal transshipment terminals, electric generating plants, boiler plants, or steam plants.

3. "Coal handling" means operations including, but not limited to, operations such as dumping, loading, unloading, storing, reclaiming, transferring, and conveying.

4. "Coal throughput" means the number of tons of coal received plus the number of tons of coal shipped by an owner or operator of a coal transshipment facility in any one calendar year. In the case of facilities where coal is consumed at the same facility where received, such as electric generating plants, boiler plants, or steam plants, coal throughput means the number of tons of coal received at the facility.

5. "Dust suppression methods" mean dust control equipment or measures including, but not limited to, hoppers, hoods, screens, enclosures, wetting or chemical agents, foam agents, surfactants, pre-cleaning treatment, utilizing induced draft and air pollution control equipment, watering, and other equivalent methods approved by the Director.

6. "Hauler" means any vehicle engaged in reclaiming, moving, or dumping coal within a coal handling facility.

7. "Pneumatic coal-cleaning equipment" means any equipment which classifies coal by size or separates coal from refuse by application of air stream(s).

8. "Thermal dryer" means any device in which the moisture content of coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

9. "Reasonably available control technology (RACT)" is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

10. "Minimize" means, with respect to the control of fugitive emissions, to reduce such emissions to a level consistent with RACT.

B. Standards of performance for certain coal handling facilities. The owner or operator of a new or existing coal handling facility which is located within the Minneapolis-St. Paul Air Quality Control Region or within the boundaries of the City of Duluth shall perform the following abatement measures unless otherwise exempt by portions of this rule:

1. Access areas, roads, parking facilities.

a. Install asphalt or concrete surfaces or chemical agents on all active truck haul roads of the coal handling faci-

lity when the coal throughput by truck is 200,000 tons or greater. All paved roads and areas shall be cleaned to minimize the discharge to the atmosphere of fugitive particulate emissions. Such cleaning shall be accomplished in a manner which minimizes resuspension of particulate matter. Access areas surrounding coal stockpiles and parking facilities which are located within a coal handling facility shall be treated with water, oils, or chemical agents ~~suppressants~~.

Order Adopting p.1

b. No person shall cause or permit the use of access areas surrounding coal stockpiles and use of all active truck haul roads and parking facilities which are located within a coal handling facility whose coal throughput by truck is less than 200,000 tons unless such areas and roads are treated with water, oils, or chemical agents.

2. Coal loading stations. Control fugitive particulate emissions from the loading of trucks, haulers, and railcars by dust suppression methods so that emissions from such sources are minimized.

3. Truck and hauler unloading stations. Control fugitive particulate emissions from the unloading of trucks or haulers by dust suppression methods so that emissions from such sources are minimized.

4. Barge or vessel loading stations.

a. When the amount of coal loaded into barges or vessels at a given facility is 200,000 tons per year or greater,

conveyor systems shall utilize loadout spouts with remote control capability for movement sideways, up and down, and telescoping so as to decrease as much as practical the vertical free fall of coal at all times during the loadout operation. Choke feeding devices, flood loading or other equivalent equipment or methods may be installed as alternates on conveyor systems to control fugitive emissions. Crane and shovels shall be operated so as to minimize the vertical free fall of coal. ~~Control fugitive particulate emissions during loading by the above reference methods so as not to exceed 20% opacity.~~ Order Adopting p. 2

b. When the amount of coal loaded into barges or vessels at a given facility is less than 200,000 tons per year, control fugitive particulate emissions by dust suppression methods so that emissions from such sources are minimized.

5. Barge or vessel unloading station. Cranes, shovels, and conveyors shall be operated in a manner which decreases as much as practical the vertical free fall of coal. Control fugitive particulate emissions during unloading so that fugitive particulate emissions are minimized.

6. Stockpiles, stockpile construction and reclaiming.

a. Control fugitive particulate emissions by dust suppression methods on such operations so that fugitive particulate emissions are minimized.

b. In the alternative use an underground bottom feed (plow) of coal to an underground conveyor system provided the exhaust gases from the enclosed spaces do not contain particulate matter in excess of 0.020 grains per dry standard cubic foot (gr/dscf).

7. Enclosed coal handling facilities or emission sources not specifically covered by any other provision in this rule. Control exhaust gases from any enclosed coal handling operation so that particulate emissions in such gases do not exceed 0.020 gr/dscf or 20 percent opacity.

8. Railcar unloading.

a. When the amount of coal unloaded by rail is 200,000 tons per year or greater, unload railcars only within a permanent building or structure and install an exhaust air system or apply dust suppression methods such that fugitive particulate emissions from any openings do not exceed 20 percent opacity.

b. When the amount of coal unloaded by rail is less than 200,000 tons per year control fugitive particulate emissions during unloading so that fugitive particulate emissions are minimized.

9. Operating practices.

a. Clean up all coal spilled on roads or access areas as soon as practicable using methods that minimize the amount of dust suspended.

b. Maintain air pollution control equipment in proper operating condition and utilize air pollution control systems as designed.

C. Standards of performance for existing outstate coal handling facilities. The owner or operator of an existing

coal handling facility which is located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth shall comply with the requirements of existing rule APC 6 (6 MCAR §4.0006) for the control of fugitive particulate emissions.

D. Standards of performance for pneumatic coal-cleaning equipment and thermal dryers at any coal handling facility.

1. Pneumatic coal-cleaning equipment. The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from any pneumatic coal-cleaning equipment any gases which:

a. Contain particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf); or

Order Adopting p.2.

b. Exhibit ~~20~~ 10 percent opacity or greater.

2. Thermal dryers. The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from any thermal dryer any gases which:

a. Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf); or

b. Exhibit 20 percent opacity or greater.

3. The owner or operator shall install pneumatic coal-cleaning equipment and thermal dryers in a manner that performance

tests for particulate matter can be run in accordance with applicable procedures and methods set forth in Sections G. and H. of this rule.

4. Monitoring.

a. The owner or operator of any coal handling facility that contains a thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

(1) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device shall be certified by the manufacturer to be accurate within ± 3° Fahrenheit.

(2) In the event a venturi scrubber emission control equipment is utilized:

(a) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within ± 1 inch water gauge.

(b) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap shall be located close to the water discharge point.

(3) The owner or operator of a coal handling facility who is required to maintain monitoring devices shall recalibrate each device annually in accordance with the manufacturer's written requirements for checking the operation and calibration of the device.

E. Exemptions.

~~1. Visible emission (opacity) requirements of B.4.a. this rule shall not apply when the wind speed is greater than 25 miles per hour, as determined by a one hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.~~

Order Adopting p.2.

~~2.~~ During freezing temperatures, owners or operators shall not be required to apply water or dust suppressants.

F. Cessation of operations. The owner or operator of a coal handling facility shall not conduct any non-essential coal handling operations that are not shielded from the wind or enclosed in a building when steady wind speeds exceed 30 miles per hour as determined at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

Order Amending

G. Performance test method. Unless another <u>equivalent</u> method is approved by the Director, any person required to conduct performance tests for coal handling facilities shall utilize the following test methods, as referenced in 40 C.F.R. Part 60, Appendix A as in force on the effective date of this rule:

?

no order authorising incorporation by reference was submitted as part of record.

1. Method 1 for sample and velocity traverses.

2. Method 5 for the concentration of particulate material and moisture content.

3. Method 9 for the visual determination of the opacity of emission from stationary sources.

H. Performance test procedures. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, shall be approved by the Director. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 100 C and 120 C (212 F and 250 F). Sampling shall not be started until at least 30 minutes after start up and shall be terminated before shut down procedures commence. The owner or operator shall eliminate cyclonic flow during performance tests.

I. Dust suppressant agents. Nothing in this rule shall authorize the use of surface hardening agents, wetting or chemical agents, foam agents, and oils that may cause ground water or surface water contamination in violation of any applicable water pollution law.

APPROVED AS TO FORM AND LEGALITY
Oct 22 19 80
WARREN SPANNAUS, ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 21 1980
Secretary of State
2:50 P.M.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE POLLUTION CONTROL AGENCY

IN THE MATTER OF PROPOSED MINNESOTA RULES APC 33, 6 MCAR § 4.033, STANDARDS OF PERFORMANCE FOR COAL HANDLING FACILITIES, AND APC 40, 6 MCAR § 4.0040, FUGITIVE EMISSIONS WITHIN DESIGNATED AREAS.

ORDER AND MEMORANDUM OF THE CHIEF HEARING EXAMINER

(B)

WHEREAS, hearings were held on September 10, 11, 12, 13, 17 and 18; October 4; November 28 and 30, 1979, before Howard L. Kaibel, Jr., a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Pollution Control Agency (hereinafter "PCA") on February 11, 1980; and

WHEREAS, the PCA has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the PCA has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4, and 9 MCAR § 2.110; and

WHEREAS, the PCA has complied with the procedural requirements of Minn. Stat. § 15.0412, subd. 4, except as follows:

1. The PCA has not made an affirmative presentation of fact establishing the need for or reasonableness of utilizing opacity standards as per se violations of sections B.7., B.8.a., D.1.b. and D.2.b. sections not withdrawn.

NOW, THEREFORE, pursuant to the provisions of Minn. Stat. § 15.052, subd. 3, and Rule 9 MCAR § 2.111, the PCA shall either withdraw the rule sections referenced above or reconvene the rule hearing. In the event the rule sections referenced above are withdrawn, the PCA may proceed to adopt the remainder of the rules by filing the complete hearing record and those rules as adopted with the Attorney General, notifying all persons who requested to be informed that the record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to

Minn. Stat. § 15.0412, subd. 4.

Dated this 16th day
of June, 1980.

DUANE R. HARVES
Chief Hearing Examiner

M E M O R A N D U M

Minn. Stat. § 15.052, subd. 4, requires a review of agency rules by the Chief Hearing Examiner to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of Minn. Stat. § 15.0412, subd. 4. That statutory section contains the following sentence:

> At the public hearing the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the agency by law or rule.

The same statute required the Chief Hearing Examiner to adopt procedural rules establishing the procedure by which the foregoing review would be accomplished. The rules adopted are 9 MCAR §§ 2.110 and 2.111, the procedures under which this reivew has taken place.

1. In his report, the Hearing Examiner found and concluded that the PCA had failed to comply with a substantive requirement of law, namely, that it had failed to give due consideration to economic factors in proposing these rules. As is seen from the foregoing Order, the Chief Hearing Examiner has not agreed with that finding and conclusion. However, this should not be interpreted as anything other than a conclusion by the Chief Hearing Examiner that given the procedures followed, the record as a whole, and applying them solely to Rule 6 MCAR § 4.0033 as proposed and noticed for hearing at 4 State Register 622 (October 22, 1979), the PCA has complied with the substantive requirement of law contained in Minn. Stat. § 116.07, subd. 6 (1978), relating

to the giving of due consideration to economic impact.

It should be specifically noted that the Chief Hearing Examiner does not adopt the PCA staff argument (see Staff Memorandum, p. 25) that the statutory requirement comes into play at the time the PCA Board formally adopts the rule. Rather, the Chief Hearing Examiner agrees with the analysis and conclusion given to this issue by Hearing Examiner Myron Greenberg at Finding # 41 of his report dated November 28, 1979 (file PCA-79-008-MG), involving the PCA's proposed adoption of Rules 6 MCAR §§ 4.0034, 4.0035, 4.0036 and 4.0037 relating to the control of emissions of hydrocarbons.

Had this review been conducted solely on the rules as proposed and noticed for hearing at 4 State Register 10 (July 9, 1979), and the initial presentation by PCA in its Statement of Need and Reasonableness and at hearing prior to any presentation by those opposed to the rule as proposed, the Chief Hearing Examiner would have agreed with the Hearing Examiner.

The key element present in this record differentiating it from other similar proceedings is the staff's willingness to investigate and analyze the data obtained during the hearing process, rethink its position and, as a practical matter, propose a new rule at a new hearing which clearly showed consideration given to the additional data. The Chief Hearing Examiner can see no practical difference between the procedure followed herein or that which could legally be followed under the Minnesota Administrative Procedure Act by any agency, as in the following example: the agency compiles and analyzes economic data within its possession and reasonably obtainable by it (giving consideration to staff, budget restraints and available time); publishes a Notice of Intent to solicit outside opinion (Minn. Stat. § 15.0412, subd. 6) on a published, proposed rule; uses its statutory authority, if any, to order those affected by the proposal to present economic data relating to costs of the proposal; assimilates all such data; and, after investigating and analyzing it, prepares and publishes a new rule which is based on a detailed and reasoned analysis of

of its economic impact, as its rule proposed pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4.

2. Rules 6 MCAR § 4.0033 B.7., B.8.a., D.1.b. and D.2.b. contain opacity standards which may not be exceeded. Any exceedence of the standards will subject the alleged violator to the civil, criminal and equitable remedies of Minn. Stat. § 115.071. Further, in the case of an application for a permit (if one is needed) for the installation of pneumatic coal-cleaning equipment where the applicant complied with the specific standard in 6 MCAR § 4.0033 D.1.a., the permit could still be refused or installation stopped solely on the basis of the opacity standard in 6 MCAR § 4.0033 D.1.a.. The facts presented by the PCA staff in support of the policy of using opacity as a violation standard are adjudicative facts and as such are subject to review as to sufficiency.

The Minnesota APA specifically requires an agency proposing a rule to make an affirmative presentation of facts establishing the need for and reasonableness of its proposed action. (Emphasis added) This language clearly places a burden on the PCA of adducing a reasoned presentation supporting the reliability of its methodology, opacity. This is not meant to infer an interference with the agency's expert usage of test data but rather, a finding that the required presentation has not been met.

On the other hand, using opacity as an "enforcement tool" (see Staff Memorandum dated May 15, 1980, at pp. 21-22), a mechanism or implement to assist in ensuring compliance rather than using opacity alone as an absolute standard by which a violation per se is established, has been shown to be reasonable.

DRH

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Terry Hoffman, do 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 resolution was adopted at a meeting of the Agency properly called on the 22nd day of May, 1979, that a quorum was present at said meeting; that the following resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Agency authorizes a public hearing to be held on proposed rules for the restriction of emissions from coal handling facilities (APC-33), surface coating facilities (APC-34), Gasoline marketing facilities (APC-35), solvent metal cleaning facilities (APC-36), the use of cutback asphalt (APC-37), and miscellaneous fugitive emissions facilities (APC-40) and on amendments to Minnesota rules currently in effect known as APC-13; APC-21; and APC-24.
>
> BE IT FURTHER RESOLVED, that the Agency authorizes a public hearing to be held on proposed rule relating to malfunctions and breakdowns (APC-20).
>
> BE IT FURTHER RESOLVED, that the Chairman and Executive Director of the Agency are hereby authorized to execute all documents necessary for such a public hearing, including, but not limited to, the Order for Hearing.

IT WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of July, 1979.

Terry Hoffman
Executive Director

Subscribed and sworn to before me
this 11th day of July, 1979:

Mary E. Wyatt
Notary Public

MARY E. WYATT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Oct. 24, 1983

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

No. PCA-79-012-HK

ORDER FOR HEARING

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota, on Monday, August 13, 1979, commencing at 9:00 a.m.; Tuesday, August 14, 1979, commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day; Wednesday, August 15, 1979, commencing at 9:00 a.m. An additional day of hearing will be held in Duluth, Minnesota, in the St. Louis County Commissioners Board Room in the St. Louis County Court House commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day. The hearing will be continued on subsequent days if necessary in the Board Room of the Minnesota Pollution Control Agency until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Terry Hoffman
Executive Director

Dated: June 25, 1979

MPCA Exhibit 151

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. PCA-79-812-HK

NOTICE OF RECONVENING OF HEARING (D)

Notice is hereby given that rule hearings in the above-captioned matter will be reconvened in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota, on Wednesday, November 28, 1979, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard. 1

This hearing is a continuation of hearings held on September 10, 11, 12, 13, 17 and 18, and October 4, 1979 concerning the above-captioned rules, notice of which was given at 4 S.R. 9 (July 9, 1979). After considering comments received at these hearings the Agency is proposing that certain changes be made to the rules proposed for adoption as published at 4 S.R. 10-22 (July 9, 1979). Additions are indicated by underlining and deletions are indicated by strikeouts. The rules as published hereinafter are now officially proposed by the Agency, and the rules as published at 4 S.R. 10-22 are superseded.

The Agency invites all interested persons to submit written and oral comments on the proposed rules at any time prior to the November 28 hearing. All written comments received will be made a part of the record. Comments should be addressed to Mr. Brad Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113 (612/296-7265).

To date the hearing record includes transcripts of the hearings and 139 exhibits, which are available for inspection by members of the public during regular business hours at the Agency's offices.

All interested persons will have an opportunity to participate at the rule hearings through presentation of oral or written statements. Written materials may be submitted by mail to Mr. Howard Kaibel, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104 (612/296-8107), either before or after the hearings until the record is closed. The record will remain open for five working days after the rule hearings end, or for a longer period not to exceed twenty days if ordered by the 2/5 7

Hearing Examiner. The Agency requests that one copy of all written materials sent to Mr. Kaibel be mailed to Mr. Brad Beckham at his address given in the preceding paragraph.

NOTICE: The proposed rule is subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rule to participate in the rule hearing process.

The proposed rule 6 MCAR §4.0033, if adopted, will establish standards of performance for coal handling facilities within the Twin Cities Air Quality Control Region and Duluth with respect to emissions of particulate matter. The proposed rule 6 MCAR §4.0040, if adopted, will establish standards of performance for certain sources of fugitive particulate emissions resulting from or related to industrial or commercial activity within the Twin Cities Air Quality Control Region, the City of Duluth, and the City of International Falls. Sources of fugitive emissions subject to this proposed rule include: materials transport, building openings, storage pile loading, materials transfer (loading, unloading), sandblasting, construction, demolition, and other similar operations. 3

The proposed rule 6 MCAR §4.0040, if adopted, will also require the pavement or treatment (with water, oils or dust suppressants) of roads and parking facilities located on mining, manufacturing, industrial or other commercial properties. The latter category of properies include but are not limited to shopping facilities and other commercial business facilities.

The Agency's authority to promulgate the proposed rule is contained in Minn. Stat. §116.07 subd. 4 (1978). 4

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Brad Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the hearing at each location.

NOTICE: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearings. After the hearings, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General). 8

NOTICE IS HEREBY GIVEN that 25 days prior to the hearings, a Statement of Need and Reasonableness will be available for review 9

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

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Terry Hoffman
Executive Director
Minnesota Pollution Control Agency

Dated: October 4, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR
§4.0033, Standards of Performance
for Coal Handling Facilities,
and APC 40, 6 MCAR §4.0040,
Fugitive Emissions Within
Designated Areas

No. 79-012-HK

AFFIDAVIT OF RECEIPT OF
SECRETARY OF STATE'S LIST (D)

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marlene C Virta, being duly sworn on oath deposes and says:

1. That he is an employee of the Division of Air Quality, Minnesota Pollution Control Agency, State of Minnesota.

2. That on the 24th day of OCTOBER, 1979, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. §15.0412.

3. That on the 24th day of OCTOBER, 1979, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

FURTHER AFFIANT SAYETH NOT.

Marlene C Virta

Subscribed and sworn to before me
this 25th day of October, 1979:

Elisabeth C. McLeod
Notary Public

ELISABETH C. McLEOD
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires Nov. 24, 1983

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STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR
§4.0033, Standards of Performance
for Coal Handling Facilities,
and APC 40, 6 MCAR §4.0040,
Fugitive Emissions Within
Designated Areas

No. 79-012-HK

CERTIFICATE OF DELIVERY OF
SECRETARY OF STATE'S LIST (D)

I hereby certify that the attached 329 labels and 14 sheets constitute the complete list of persons, associations, and other interested groups who as of 4:20 o'clock p., this 24th day of Oct., 1979, have requested pursuant to Minn. Stat. §15.0412 subd. 4 (1978) that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules.

SECRETARY OF STATE

JOAN ANDERSON GROWE

Joan Anderson Growe

By Kathy Hjelm

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. 79-012-HK

AFFIDAVIT OF MAILING

(D)

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

ROSA GILATS, being first duly sworn, hereby deposes and says that in the City of St. Paul, county and state aforesaid, on the 25 day of OCTOBER, 1979, s/he served the foregoing "Notice of Hearing," by depositing in the United States mail at said City of St. Paul, true and correct copies thereof, properly enveloped, with postage prepaid, and addressed to those named on the attached mailing lists, including the Secretary of State's list.

Rosa Gilats

Subscribed and sworn to before me this 25th day of October, 1979:

Elisabeth C. McLeod
Notary Public

ELISABETH C. McLEOD
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires Nov. 24, 1983

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR
§4.0033, Standards of Performance
for Coal Handling Facilities,
and APC 40, 6 MCAR §4.0040,
Fugitive Emissions Within
Designated Areas

No. PCA-79-012-HK

NOTICE OF RESCHEDULING
OF HEARING

NOTICE IS HEREBY GIVEN that rule hearings in the above-entitled matter scheduled for the Board Room of the Minnesota Pollution Control Agency on August 13, 14 and 15, 1979, and in the St. Louis County Commissioners Board Room in Duluth, Minnesota, on August 16, 1979, are hereby rescheduled. Notice of these hearings and the text of the proposed rules were previously published at 4 S.R. 9 (July 9, 1979). The hearings will be held on the following dates at the following locations:

Monday, September 10, 1979, in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113, commencing at 9:00 a.m.;

Tuesday, September 11, 1979, in the Board Room of the Minnesota Pollution Control Agency, commencing at 1:00 p.m., and reconvening at 7:00 p.m.;

Wednesday, September 12, 1979, in the Board Room of the Minnesota Pollution Control Agency, commencing at 9:00 a.m.; and

Thursday, September 13, 1979, in the St. Louis County Commissioners Board Room in the St. Louis County Court House, Duluth, Minnesota, commencing at 1:00 p.m., and reconvening at 7:00 p.m.

Questions concerning this matter should be directed to Mr. Brad Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113 (612/296-7265).

Louis Breimhorst
for Terry Hoffman
Executive Director

Dated: July 16, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

No. PCA-79-012-HK

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

AFFIDAVIT OF MAILING (C)

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

RUTH M. GROSS, being first duly sworn, hereby deposes and says that in the City of Roseville, county and state aforesaid, on the 20th day of July, 1979, s/he served the foregoing "Notice of Rescheduling of Hearing," by depositing in the United States mail at said City of Roseville, true and correct copies thereof, properly enveloped, with postage prepaid, and addressed to those named on the attached mailing lists, including the Secretary of State's list.

Ruth M. Gross

Subscribed and sworn to before me this 20th day of July, 1979:

Deborah L McMahon
Notary Public

DEBORAH L McMAHON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires Nov 27 1982

MPCA EXHIBIT NO. 83

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. PCA-79-012-HK

AFFIDAVIT OF RECEIPT OF SECRETARY OF STATE'S LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Keith H. Ness, being duly sworn on oath deposes and says:

1. That he is an employee of the Air Quality Division, Minnesota Pollution Control Agency, State of Minnesota

2. That on the 20th day of July, 1979, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. §15.0412.

3. That on the 20th day of July, 1979, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

FURTHER AFFIANT SAYETH NOT.

Keith H. Ness

Subscribed and sworn to before me this 20th day of July, 1979:

Deborah L. McMahon
Notary Public

DEBORAH L McMAHON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires Nov 27 1982

MPCA EXHIBIT NO. 83a

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR
§4.0033, Standards of Performance
for Coal Handling Facilities,
and APC 40, 6 MCAR §4.0040,
Fugitive Emissions Within
Designated Areas

No. PCA-79-012-HK

CERTIFICATE OF DELIVERY OF
SECRETARY OF STATE'S LIST

(c)

I hereby certify that the attached 324 labels and 12 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:15 o'clock AM, this 26th day of July, 1979, have requested pursuant to Minn. Stat. §15.0412 subd. 4 (1978) that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules.

SECRETARY OF STATE

JOAN ANDERSON GROWE

By Joan Anderson Growe

Request for Advisory Opinion on Political Activity — Association Employment Policy

The Minnesota State Ethical Practices Board solicits opinions and comments to the following request for an advisory opinion which will be discussed at its Board meeting on July 27, 1979, Room 14, State Office Building, St. Paul, MN. No formal action to adopt an opinion will be taken prior to its August meeting. Written comments concerning the opinion request should be forwarded to arrive at the Board's office prior to August 13, 1979.

July 16, 1979

Minnesota Ethical Practices Board
41 State Office Building
St. Paul, MN 55155

Gentlemen:

We would appreciate your responding to a question that has been raised regarding employees and board members — relative to candidacy for public office on a state and national basis. Can Communicating For Agriculture adopt a personnel policy providing that its board members and employees must resign prior to becoming active candidates for public office, in light of Minn. Stat. § 10A.20, subd. 11.

Yours truly,

M. E. Smedsrud
President
(Communicating for Agriculture)
P.O. Box 677
Fergus Falls, MN 56537

Board of Nursing

Notice of Intent to Solicit Outside Opinion Regarding Licensure and Disciplinary Rules

The Board of Nursing is beginning to examine its current rules pertaining to the procedures used to license professional nurses and practical nurses by examination and by interstate endorsement for the purpose of amending existing rules or drafting new rules which will define terms and specify procedures to be followed by applicants and the Board. The purpose of this activity is to clarify and simplify the procedure in accordance with current laws.

The Board of Nursing is also beginning to draft rules for the purpose of defining terms and specifying procedures used in disciplining licensees.

Interested parties are invited to submit information, comments and advice on the above subjects in writing or orally to Joyce M. Schowalter, Executive Secretary, Minnesota Board of Nursing, 717 Delaware St. SE, Minneapolis, MN 55414, (612) 296-5493.

Written statements will be made part of the public hearing record.

Pollution Control Agency

Notice of Rescheduling of Hearing on Proposed Rules Regarding Standards of Performance for Coal Handling Facilities and Fugitive Emissions within Designated Areas

Notice is hereby given that rule hearings in the above-entitled matter scheduled for the Board Room of the Minnesota Pollution Control Agency on August 13, 14 and 15, 1979, and in the St. Louis County Commissioners Board Room in Duluth, Minnesota, on August 16, 1979, are hereby rescheduled. Notice of these hearings and the text of the proposed rules were previously published at 4 S.R. 9 (July 9, 1979). The hearings will be held on the following dates at the following locations:

Monday, September 10, 1979, in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113, commencing at 9:00 a.m.;

Tuesday, September 11, 1979, in the Board Room of the Minnesota Pollution Control Agency, commencing at 1:00 p.m., and reconvening at 7:00 p.m.;

Wednesday, September 12, 1979, in the Board Room of the Minnesota Pollution Control Agency, commencing at 9:00 a.m.;

Thursday, September 13, 1979, in the St. Louis County Commissioners Board Room in the St. Louis County Court House, Duluth, Minnesota, commencing at 1:00 p.m., and reconvening at 7:00 p.m.

Questions concerning this matter should be directed to Mr. Brad Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113 (612/296-7265).

Dated: July 16, 1979

Terry Hoffman
Executive Director

MPCA EXHIBIT NO. 78

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. PCA-79-012-HK

CORRECTION OF NOTICE OF HEARING

(B)

The Notice of Hearing in the above-captioned matter, which appeared in the July 9, 1979, issue of the State Register, did not state the date of the portion of the hearing to be held in Duluth, Minnesota. Notice is hereby given that one day of hearing will be held on the above-captioned rules on Thursday, August 16, 1979, in the St. Louis County Commissioners Board Room in the St. Louis County Courthouse, Duluth, Minnesota, commencing at 1:00 p.m., and reconvening at 7:00 p.m.

The remainder of the Notice of Hearing is correct as published on July 9, 1979.

Terry Hoffman
Executive Director

Dated: July 6, 1979

Department of Personnel

Notice of Intent to Solicit Outside Opinion Regarding Rules of the Department of Personnel

The Department of Personnel is drafting rules to implement Minn. Stat. ch. 43 as amended by Laws 1979, ch. 332.

The Department will also be drafting changes in Personnel Rules for the purpose of clarifying and simplifying existing procedures.

The subjects covered by the proposed rule changes include the following:

labor service; temporary designation of positions in the unclassified service; reallocation of positions; work-out-of-class; severance pay; eligibility to compete in promotional examinations; rating results of selection processes; reemployment list; removal of names from eligible lists; statement of availability; temporary appointment; emergency appointment; transfers; duration of probationary period; suspension; layoff; demotion; reinstatement after resignation, retirement, or expiration of leave of absence; restoration of seniority; holidays; absence because of illness or injury for which worker's compensation is paid; general regulations governing leaves of absence with pay; vacation; sick leave; other leaves with pay; child bearing/child rearing leaves of absence without pay; other leaves of absence without pay; availability of performance appraisal reports; training standards; travel expense reimbursement; relocation expenses; and the definitions of "agency," "agency promotional list," "open competitive list," "permanent employee," "reallocation," "reemployment list," and "statewide promotional list."

The Department invites interested persons or groups to provide written information, comments and advice on these subjects to James Lee, Minnesota Department of Personnel, 3rd Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record and must be submitted by July 27, 1979 to be considered in the original rules draft.

Barbara L. Sundquist
Commissioner

Pollution Control Agency

Proposed Rules on Standards of Performance for Coal Handling Facilities and Fugitive Emissions Within Designated Areas

Correction of Notice of Hearing

The Notice of Hearing in the above-captioned matter, which appeared in the July 9, 1979, issue of the *State Register*, did not state the date of the portion of the hearing to be held in Duluth, Minnesota. Notice is hereby given that one day of hearing will be held on the above-captioned rules on Thursday, August 16, 1979, in the St. Louis County Commissioners Board Room in the St. Louis County Courthouse, Duluth, Minnesota, commencing at 1:00 p.m., and reconvening at 7:00 p.m.

The remainder of the Notice of Hearing is correct as published on July 9, 1979.

Dated: July 6, 1979

Terry Hoffman
Executive Director

Pollution Control Agency Water Quality Division

Notice of Approval of the Metropolitan Council's 208 Plan and Recommendation for Certification by the Governor

On June 26, 1979, pursuant to 40 CFR 130.12 and 131.20, the Minnesota Pollution Control Agency (MPCA) approved the Metropolitan Council's 208 Water Quality Management Plan (WQMP) and recommended it to the Governor for certification as the official WQMP for the 7-county metropolitan area. It is expected that the Governor will certify the Plan and forward it to the U.S. Environmental Protection Agency (EPA) by July 23, 1979.

Once the Plan has been certified by the Governor and approved by the U.S. EPA, no grant for construction of municipal treatment works pursuant to § 201(g) of PL 92-500 may be made except in conformity with the Plan, and no National Pollutant Discharge Elimination System permit which is in conflict with the Plan may be issued pursuant to § 402 of PL 92-500.

Copies of the Metropolitan Council's 208 WQMP are on file at the MPCA (contact Paul E. Davis, 296-7241) and the Metropolitan Council (contact Edward Maranda, 291-6436).

Terry Hoffman
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. PCA-79-012-HK

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Donna J. Black, being first duly sworn, hereby deposes and says that in the City of Roseville, county and state aforesaid, on the 9th day of July, 1979, she served the foregoing "Correction of Notice of Hearing," by depositing in the United States mail at said City of Roseville, true and correct copies thereof, properly enveloped, with postage prepaid, and addressed to those named on the attached mailing lists.

Donna Black

Subscribed and sworn to before me
this 9th day of July, 1979:

Deborah L. McMahon
Notary Public

DEBORAH L McMAHON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires Nov 27 1982

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. PCA-79-012-HK

NOTICE OF HEARING (A)

NOTICE IS HEREBY GIVEN that rule hearings in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, on Monday, August 13, 1979, commencing at 9:00 a.m.; Tuesday, August 14, 1979, commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day; Wednesday, August 15, 1979, commencing at 9:00 a.m. An additional day of hearing will be held in Duluth, Minnesota, in the St. Louis County Commissioners Board Room in the St. Louis County Court House commencing at 1:00 p.m., omits date and reconvening at 7:00 p.m. on the same day. The hearing will be continued on subsequent days if necessary in the Board Room of the Minnesota Pollution Control Agency until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate at the rule hearing. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Howard Kaibel, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8107, either before or after the hearings until the record is closed. The record will remain open

for five working days after the rule hearings end, or for a longer period not to exceed twenty calendar days if ordered by the Hearing Examiner. In the interest of efficiency, it is suggested that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

NOTICE: The proposed rule is subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rule to participate in the rule hearing process.

The proposed Minn. Rule APC 33, if adopted, will establish standards of performance for coal handling facilities with respect to emissions of particulate matter. The proposed Minn. Rule APC 40, if adopted, will establish standards of performance for certain sources of fugitive particulate emissions resulting from or related to industrial or commercial activity within the Twin Cities Air Quality Control Region, the City of Duluth, and the City of International Falls. Sources of fugitive emissions subject to this proposed rule include: materials transport, building openings, storage pile loading, access areas, roads, parking areas, materials handling, materials transfer (loading, unloading), sandblasting, construction, demolition, and other similar operations.

The Agency's authority to promulgate the proposed rule is contained in Minn. Stat. §116.07 subd. 4 (1978).

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Brad Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the hearing at each location.

NOTICE: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearings. After the hearings, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

NOTICE IS HEREBY GIVEN that 25 days prior to the hearings, a Statement of Need and Reasonableness will be available for review at the Agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Agency at the Hearing justifying both the need for and the reasonableness of the

proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Terry Hoffman
Executive Director
Minnesota Pollution Control Agency

Dated: June 25, 1979

Exhibit 77A

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of Proposed
Minn. Rules APC 33, 6 MCAR
§4.0033, Standards of Performance
for Coal Handling Facilities,
and APC 40, 6 MCAR §4.0040,
Fugitive Emissions Within
Designated Areas

No. PCA-79-012-HK

NOTICE OF HEARING

AFFIDAVIT OF MAILING (A)

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

MISS RUTH M. GROSS, being first duly sworn, hereby deposes and says that in the City of Roseville, county and state aforesaid, on the 3rd day of July, 1979, she served the foregoing "Notice of Hearing," by depositing in the United States mail at said City of Roseville, true and correct copies thereof, properly enveloped, with postage prepaid, and addressed to those named on the attached mailing lists, including the Secretary of State's list.

Ruth M. Gross

Subscribed and sworn to before me
this 5th day of July, 1979:

Deborah L. McMahon
Notary Public

DEBORAH L McMAHON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires Nov 27 1982

MPCA EXHIBIT NO. 77 B

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

(A)

In the matter of the Proposed Adoption of Rules of AIR QUALITY Division Governing APC-33 and APC-40

I hereby certify that the attached 324 labels 12 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:30 o'clock A .M, this 2nd day of July, 1979, have requested pursuant to M.S. 1976, 15.21 Subd 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State
Joan Anderson Growe

By Howard M. Post

MPCA EXHIBIT NO. 77 C

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed Minn. Rules APC 33, 6 MCAR §4.0033, Standards of Performance for Coal Handling Facilities, and APC 40, 6 MCAR §4.0040, Fugitive Emissions Within Designated Areas

No. PCA-79-012-HK

NOTICE OF HEARING

AFFIDAVIT OF RECEIPT OF SECRETARY OF STATE'S LIST (A)

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

KEITH H. NESS, being duly sworn on oath deposes and says:

1. That he is an employee of the Air Quality Division, Minnesota Pollution Control Agency, State of Minnesota

2. That on the 2nd day of July, 1979, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. §15.0412.

3. That on the 2nd day of July, 1979, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

FURTHER AFFIANT SAYETH NOT.

Keith H. Ness

Subscribed and sworn to before me this 11th day of July, 1979:

Deborah L. McMahon

DEBORAH L McMAHON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY

d. It is available to all parties, public and private;

e. It is able to render wood pest-risk free within five (5) days of delivery to the site unless an extension of time has been granted by the commissioner based on existing circumstances of the disposal utilization site;

f. It includes adequate manpower to operate and service equipment; and,

g. It provides for proper handling and the timely removal of processed wood from the site.

2. In addition to the general criteria under C. 1. above, the commissioner, as appropriate, may consider other specific criteria including the following in evaluating grant payment requests:

a. Sites for wood disposal systems:

(1) Shall be selected on the basis of anticipated volumes of wood and or the need for a wood disposal system;

(2) Shall be accessible by roadways that permit year-round truck traffic;

(3) Shall have adequate storage areas for both processed wood and equipment;

(4) Shall have protective enclosures, adequate control, and supervision to prevent entry of unwanted materials and unauthorized persons;

(5) Shall be in compliance with all applicable Federal and State statutes, rules and regulations; and,

(6) Shall be in conformance with regional solid waste management plans and requirements.

b. Equipment for wood disposal systems:

(1) Shall, where feasible, be portable so that it can be used for servicing more than one site;

(2) Shall be stationary only when the anticipated volume over a five-year period will fully utilize the facility;

(3) Shall be capable of processing large-diameter logs; and,

(4) Shall include auxiliary units and equipment necessary to the operation of the system.

3. Requests for grant-in-aid payments shall be made on forms provided by the commissioner. Contingent upon the availability of funds, the timeliness of applications and other administrative considerations, the commissioner may set deadlines for consideration of requests which shall be published in the State Register at least thirty (30) days prior to the deadline. Requests for payments shall include the following:

a. An itemized list of the applicant's proposed expenditures for qualifying equipment and or site, and the total amount of these expenditures; and,

b. Additional documents or other information deemed relevant by the commissioner.

4. Records.

a. Applicants receiving grants-in-aid under this rule shall keep detailed records concerning the operation of the wood disposal and utilization system and shall make these records available to the commissioner at any reasonable time. Such records shall include:

(1) Hours of operation;

(2) Clientele served;

(3) Volume of wood handled; and,

(4) Other information deemed necessary and relevant by the commissioner.

b. A yearly report containing a summation of these records shall be made to the commissioner by December 1.

Pollution Control Agency

Rules 6 MCAR § 4.0033, Standards of Performance for Coal Handling Facilities, and 6 MCAR § 4.0040, Fugitive Emissions Within Designated Areas

Notice of Hearing

Notice is hereby given that rule hearings in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, on Monday, August 13, 1979, commencing at 9:00 a.m.; Tuesday, August 14, 1979, commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day; Wednesday, August 15, 1979, commencing at 9:00 a.m. An additional day of hearing will be held in Duluth, Minnesota, in the St. Louis County Commissioners Board Room in the St. Louis County Court House commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day. The hearing will be continued on subsequent days if necessary in the Board Room of the Minnesota Pollution Control Agency until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate at the rule hearing. Statements may be made orally and written materials may be sumbitted at the hearing. In addition, written materials may be submitted by mail to Mr.

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

Howard Kaibel, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8107, either before or after the hearings until the record is closed. The record will remain open for five working days after the rule hearings end, or for a longer period not to exceed twenty calendar days if ordered by the Hearing Examiner. In the interest of efficiency, it is suggested that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Notice: The proposed rule is subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rule to participate in the rule hearing process.

The proposed rule 6 MCAR § 4.0033, if adopted, will establish standards of performance for coal handling facilities with respect to emissions of particulate matter. The proposed rule 6 MCAR § 4.0040, if adopted, will establish standards of performance for certain sources of fugitive particulate emissions resulting from or related to industrial or commercial activity within the Twin Cities Air Quality Control Region, the City of Duluth, and the City of International Falls. Sources of fugitive emissions subject to this proposed rule include: materials transport, building openings, storage pile loading, access areas, roads, parking areas, materials handling, materials transfer (loading, unloading), sandblasting, construction, demolition, and other similar operations.

The Agency's authority to promulgate the proposed rule is contained in Minn. Stat. § 116.07, subd. 4 (1978).

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Brad Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the hearing at each location.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearings. After the hearings, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearings, a Statement of Need and Reasonableness will be available for review at the Agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Agency at the Hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

June 25, 1979

Terry Hoffman
Executive Director

Rules as Proposed

6 MCAR § 4.0033 Standards of performance for coal handling facilities.

A. Definitions. As used in this rule the following words shall have the meanings defined herein:

1. "Class A coals" means a coal which contains less than 4 percent silt.

2. "Class B coals" means a coal which contains 4 percent or more silt.

3. "Coal" means any solid fossil fuel described as anthracite, bituminous, subbituminous, lignite, or coke by ASTM designation: D-388-66 (Appendix A).

4. "Coal handling facility" means a facility where coal is handled such as coal transshipment terminals, electric generating plants, boiler plants, or steam plants.

5. "Coal handling" means operations including, but not limited to, dumping, loading, unloading, storing, reclaiming, transferring, and conveying.

6. "Coal throughput" means the number of tons of coal received plus the number of tons of coal shipped by an owner or operator of a coal handling facility in any one calendar year.

7. "Dust suppression methods" means dust control equipment or measures described as, but not limited to, hoppers, hoods, screens, enclosures, wetting or chemical agents, foam agents, surfactants, pre-cleaning treatment, and watering.

8. "Hauler" means any vehicle capable of reclaiming, moving, or dumping coal within a coal handling facility.

9. "Pneumatic coal-cleaning equipment" means any equipment which classifies coal by size or separates coal from refuse by application of air stream(s).

10. "Silt" means the material in coal which passes

through a 200 mesh sieve in accordance with ASTM designation: D431-44 (Appendix B) and D410-38 (Appendix C).

11. "Thermal dryer" means any device in which the moisture content of coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

B. Standards of performance for certain large coal handling facilities. The owner or operator of a new or existing coal handling facility which has a coal throughput of 50,000 tons or greater and is located within the Minneapolis-St. Paul Air Quality Control Region or within the boundaries of the City of Duluth and the owner or operator of a new coal handling facility located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth having a coal throughput of 50,000 tons or greater and the owner or operator of an existing coal handling facility located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth having a coal throughput of 100,000 tons or greater shall perform the following abatement measures unless otherwise exempt by portions of this rule:

1. Access areas, roads, parking facilities.

a. Install asphalt or concrete surfaces on all active truck haul roads of the coal handling facility when the coal throughput by truck is 200,000 tons or greater. All paved roads and areas shall be cleaned to minimize the discharge to the atmosphere of fugitive particulate emissions. Such cleaning shall be accomplished in a manner which minimizes resuspension of particulate matter. Access areas surrounding coal stockpiles and parking facilities which are located within a coal handling facility shall be treated with water, oils, or chemical suppressants.

b. No person shall cause or permit the use of access areas surrounding coal stockpiles and use of all active truck haul roads and parking facilities which are located within a coal handling facility whose coal throughput by truck is less than 200,000 tons unless such areas and roads are treated with water, oils, or chemical suppressants.

2. Coal loading stations. Control fugitive particulate emissions from the loading of trucks, haulers, and railcars by dust suppression systems so that emissions from such sources do not exceed 10 percent opacity.

3. Truck and hauler unloading stations. Control fugitive particulate emissions from the unloading of trucks or haulers by dust suppression systems so that emissions from such sources do not exceed 10 percent opacity.

4. Barge or vessel loading stations. Conveyor systems shall utilize loadout spouts with remote control capability for movement sideways, up and down, and telescoping so as to maintain a maximum vertical freefall of coal of 12 inches at all times during the loadout operation. Choke feeding devices, flood loading or other equivalent equipment or methods may be installed as alternates on conveyor systems to control fugitive emissions. Crane and shovels shall be operated so as to minimize the vertical free fall of coal. Control fugitive particulate emissions during loading by the above reference methods so as not to exceed 10 percent opacity.

5. Barge or vessel unloading stations. Cranes, shovels, and conveyors shall be operated in a manner which minimizes the vertical free fall of coal. Control fugitive particulate emissions during unloading so as not to exceed 10 percent opacity.

6. Stockpiles, stockpile construction and reclaiming.

a. Control fugitive particulate emissions by dust suppression methods on such operations so that fugitive particulate emissions do not exceed 10 percent opacity.

b. In the alternative use an underground bottom feed (plow) of coal to an underground conveyor system provided the exhaust gases from the enclosed spaces do not contain particulate matter in excess of 0.020 grains per dry standard cubic foot (gr/dscf).

7. Enclosed coal handling facilities or emission sources. Control exhaust gases from any enclosed coal handling operation so that particulate emissions in such gases do not exceed 0.020 gr/dscf and 10 percent opacity.

8. Railcar unloading.

a. Unload railcars only within a permanent building or structure and install an exhaust air system such that fugitive particulate emissions from any openings do not exceed 10 percent opacity.

b. Install air pollution control equipment on the exhaust air system such that exhaust gases do not contain particulate matter in excess of 0.020 gr/dscf.

9. Operating practices.

a. Clean up all coal spills as soon as practicable minimizing suspending the dust accumulated on the roadways or haul roads.

b. Maintain air pollution control equipment in proper operating condition and utilize air pollution control systems as designed.

10. Class B coal.

a. Store Class B coals in an enclosed building, silo, or structure; or place Class B coals in open stockpiles provided surface hardening agents are applied over the entire stockpile to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

b. As required, ensure that a cover is placed over all open bed trucks containing Class B coals before leaving the

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coal handling facility to minimize fugitive particulate emissions.

c. Apply dust suppression methods to Class B coals during handling to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

d. Apply dust suppression methods to Class B coals prior to shipment by truck, rail, or vessel.

C. Standards of performance for certain small coal handling facilities. The owner or operator of a new or existing coal handling facility which has a coal throughput of less than 50,000 tons and is located within the Minneapolis-St. Paul Air Quality Control Region or within the boundaries of the City of Duluth and the owner or operator of a new coal handling facility having a coal throughput of less than 50,000 tons located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth and the owner or operator of an existing coal handling facility located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth having a coal throughput of greater than 50,000 tons but less than 100,000 tons shall perform the following abatement measures:

1. Clean up all coal spills as soon as practicable minimizing suspending the dust accumulated on the roadways or haul roads.

2. Maintain air pollution control equipment in proper operating condition and utilize air pollution control systems as designed.

3. Apply dust suppression methods on hauler and railcar coal loading and unloading stations, barge or vessel loading and unloading stations, conveyor transfer operations and stockpile construction and reclaiming operations so that fugitive particulate emissions from such sources do not exceed 10 percent opacity.

4. Class B coals.

a. Store Class B coals in an enclosed building, silo, or structure; or place Class B coals in open stockpiles provided surface hardening agents are applied over the entire stockpile to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

b. As required, ensure that a cover is placed over all open bed trucks containing Class B coals before leaving the coal handling facility to minimize fugitive particulate emissions.

c. Apply dust suppression methods to Class B coals during handling to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

d. Apply dust suppression methods to Class B coals prior to shipment by truck, rail, or vessel.

5. Access areas, roads, parking facilities. No person shall cause or permit the use of access areas surrounding coal stockpiles and the use of roads and parking facilities which are located within a coal handling facility unless such areas and roads are treated with water, oils, or chemical dust suppressants.

6. Enclosed coal handling facilities or emission sources. Control exhaust gases from any enclosed coal handling operation so that fugitive particulate emissions do not exceed 0.020 gr/dscf and 10 percent opacity.

D. Standards of performance for small existing outstate coal handling facilities. The owner or operator of an existing coal handling facility which has a coal throughput of less than 50,000 tons and is located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth shall comply with the requirements of existing Rule APC 6 for the control of fugitive particulate emissions.

E. Standards of performance for pneumatic coal-cleaning equipment and thermal dryers at any coal handling facility.

1. Pneumatic coal-cleaning equipment. The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from any pneumatic coal-cleaning equipment any gases which:

a. Contain particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf); and

b. Exhibit 10 percent opacity or greater.

2. Thermal dryers. The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from any thermal dryer any gases which:

a. Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf); and

b. Exhibit 20 percent opacity or greater.

3. The owner or operator shall install pneumatic coal-cleaning equipment and thermal dryers in a manner that performance tests for particulate matter can be run in accordance with applicable procedures and methods set forth in I. and J. of this rule.

4. Monitoring.

a. The owner or operator of any coal handling facility that contains a thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

(1) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device shall be certified by the manufacturer to be accurate within 3° Fahrenheit.

(2) In the event a venturi scrubber emission control equipment is utilized:

(a) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within 1 inch water gauge.

(b) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within 5 percent of design water supply pressure. The pressure sensor or tap shall be located close to the water discharge point.

(3) The owner or operator of a coal handling facility who is required to maintain monitoring devices shall recalibrate each device annually in accordance with the manufacturer's written requirements for checking the operation and calibration of the device.

F. Exemptions.

1. Visible emission (opacity) requirements of this rule shall not apply when the wind speed is greater than 25 miles per hour, as determined by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

2. During freezing temperatures, owners or operators are not required to apply wetting or chemical agents, foam agents, or water providing precipitation and or snow cover ensures that fugitive emissions do not exceed 10 percent opacity.

G. Cessation of operations. The owner or operator of a coal handling facility shall not conduct any coal handling operations that are not shielded from the wind or enclosed in a building when steady wind speeds exceed 30 miles per hour, as determined by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

H. Performance test methods. Unless another method is approved by the Director, any person required to submit performance tests for coal handling facilities shall utilize the following test methods:

1. Method 1 for sample and velocity traverses.

2. Method 5 for the concentration of particulate matter and moisture content.

3. Method 9 for the visual determination of the opacity of emission from stationary sources.

I. Performance test procedures.

1. For Method 1, as referenced in 40 CFR 60, Appendix A.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, shall be approved by the Agency. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 100°C and 120°C (212°F and 250°F). Sampling shall not be started until at least 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator shall eliminate cyclonic flow during performance tests.

3. For Method 9 opacity shall be determined in accordance with APC 21 (b) (7) (bb) (as revised).

J. Dust suppressant agents. Nothing in this rule shall authorize the use of surface hardening agents, wetting or chemical agents, foam agents, and oils that may cause ground water or surface water contamination in violation of any applicable water pollution law.

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APPENDIX A

Designation: D 388 – 66 (Reapproved 1972)[ε]

American National Standard M20.1-1973
Approved July 10, 1973
By American National Standards Institute

Standard Specification for
CLASSIFICATION OF COALS BY RANK[1]

This Standard is issued under the fixed designation D 388, the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval.

[ε] NOTE—Editorial changes were made throughout in June 1975.

1. Scope

1.1 This specification covers the classification of coals by rank, that is, according to their degree of metamorphism, or progressive alteration, in the natural series from lignite to anthracite.

2. Applicable Documents

2.1 ASTM Standards:

D 492 Sampling Coals Classified According to Ash Content[2]

D 1412 Test for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 C[3]

D 1756 Test for Carbon Dioxide in Coal[3]

D 1757 Test for Sulfur in Coal Ash[3]

D 2013 Preparing Coal Samples for Analysis[3]

D 2015 Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter[3]

D 3173 Test for Moisture in the Analysis of Coal and Coke[3]

D 3174 Test for Ash in the Analysis of Coal and Coke[3]

D 3175 Test for Volatile Matter in the Analysis Sample of Coal and Coke[3]

D 3177 Test for Total Sulfur in the Analysis Sample of Coal and Coke[3]

D 3286 Test for Gross Calorific Value of Solid Fuel by the Isothermal-Jacket Bomb Calorimeter[3]

3. Basis of Classification

3.1 Classification is according to fixed carbon and calorific value (expressed in Btu/lb) calculated to the mineral-matter-free basis. The higher-rank coals are classified according to fixed carbon on the dry basis; the lower-rank coals are classed according to calorific value on the moist basis. Agglomerating character is used to differentiate between certain adjacent groups.

4. Classification by Rank

4.1 *Fixed Carbon and Calorific Value*—Coals shall be classified by rank in accordance with Table 1. Classify coals having calorific values of 14,000 Btu/lb or more on the moist, mineral-matter-free basis, and coals having fixed carbon of 69 percent or more on the dry, mineral-matter-free basis, according to fixed carbon on the dry, mineral-matter-free basis; classify coals having calorific values less than 14,000 Btu/lb on the moist, mineral-matter-free basis according to calorific value on the moist, mineral-matter-free basis, provided the fixed carbon on the dry, mineral-matter-free basis is less than 69 percent.

4.2 *Agglomerating Character*—Classify coals having 86 percent or more fixed carbon on the dry, mineral-matter-free basis, if agglomerating, in the low volatile group of the bituminous class. Classify coals having calorific values in the range 10,500 to 11,500 Btu/lb on the moist, mineral-matter-free basis according to their agglomerating character (Table 1).

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[1] This specification is under the jurisdiction of ASTM Committee D-5 on Coal and Coke.

Current edition effective Sept. 20, 1966. Originally issued 1934. Replaces D 388 – 64 T.

[2] *Discontinued, see 1970 Annual Book of ASTM Standards*, Part 19.

[3] *Annual Book of ASTM Standards*, Part 26.

5. Symbols for Expressing Classification

5.1 Express the position of a coal in the scale of rank in condensed form as, for example (62 — 146), in which the parentheses signify that the contained numbers are on the mineral-matter-free basis. The first number represents fixed carbon on the dry basis, reported to the nearest whole percent. The second number represents calorific value on the moist basis, expressed as hundreds of Btu/lb to the nearest hundred; for example, 14,580 Btu/lb would be represented as 146.

4.2 Where it is desired to abbreviate the designation of the ranks of coal by group, the following abbreviations shall be used:

ma—meta-anthracite
an—anthracite
sa—semianthracite
lvb—low volatile bituminous
mvb—medium volatile bituminous
hvAb—high volatile *A* bituminous
hvBb—high volatile *B* bituminous
hvCb—high volatile *C* bituminous
subA—subbituminous *A*
subB—subbituminous *B*
subC—subbituminous *C*
ligA—lignite *A*
ligB—lignite *B*

6. Sampling

6.1 *Bed Samples*—Classify a coal bed, or part of a coal bed, in any locality based on the average analysis and calorific value (and agglomerating character where required) of not less than three and preferably five or more face samples taken in different and uniformly distributed localities, either within the same mine or closely adjacent mines representing a continuous and compact area not greater than approximately four square miles in regions of geological uniformity. In regions where conditions indicate that the coal probably varies rapidly in short distances, the spacing of sampling points and grouping of analyses to provide average values shall not be such that coals of obviously different rank will be used in calculating average values.

6.1.1 Take samples in accordance with the U. S. Bureau of Mines method[4] or its equivalent and place in moisture-tight containers in the mine.

6.1.2 Analyses of samples from outcrops or from weathered or oxidized coal shall not be used for classification by rank.

6.1.3 In case the coal is likely to be classified on the "moist" basis, that is, inclusive of its natural complement of inherent or bed moisture, take samples in a manner most likely to preserve inherent moisture for purposes of analysis. Samples of low-rank coals which appear dry at the time of collection frequently give off moisture which condenses on the inner surface of the sample containers before they are opened for analysis. In the case of coals which were free from visible surface moisture when sampled, but which show moisture on the inner surface of the containers when opened, weigh both the container and the coal before and after air-drying, and report the total loss in weight as air-drying loss.

6.1.4 If it is impossible to sample the coal without including visible surface moisture, or if there may be other reason to question the accuracy of inherent moisture content determinable from the sample, and the coal is likely to be classified on the "moist" basis, the sampler shall include the following statement in the description: "Moisture questionable." Samples so marked shall not be used for classification on a moist basis unless brought to a standard condition of moisture equilibrium at 30 C in a vacuum desiccator containing a saturated solution of potassium sulfate (97 percent humidity) as specified in Method D 1412. Analyses of such samples that have been treated in this manner shall be designated as "samples equilibrated at 30 C and 97 percent humidity."

6.2 *Tipple or Shipment Samples*—The apparent rank of "run of mine" coal and prepared sizes of coal shall be based on representative samples taken in accordance with Methods D 492, and shall be reported in accordance with 6.2.2.

6.2.1 In case the coal is likely to be classified on the "moist" basis, take samples at the tipple or preparation plant and protect against loss of moisture as specified in Section 9 of Methods D 492. Take samples that appear dry at the time of collection in accordance with 6.1.3 to ensure correct determination of total air-drying loss. Mark samples that have visible surface moisture on the coal when sampled, and that are likely to be classified on the "moist" basis, by the sampler, equili-

[4] J. A. Holmes, "The Sampling of Coal in the Mine," U. S. Bureau of Mines, *Technical Paper No. 1* (1911); and J. M. Schopf, "Field Description and Sampling of Coal Beds," U. S. Geological Survey *Bulletin No. 1111-B* (1960).

brated, and the analyses designated in accordance with 6.1.4.

6.2.2 A standard rank determination cannot be made unless samples have been obtained in accordance with Section 6. However, the relation to standard determinations may be usefully given for tipple or shipment samples, or for specimens or other samples taken under unspecified conditions, providing the same standards of analysis and computation are followed. Designate these comparative indications as "apparent rank." They indicate the correct relative position for the coal sample analyzed but do not imply any standards of bed sampling. Whenever apparent rank is stated, give additional information as to the nature of the sample.

7. Methods of Analysis and Tests

7.1 *Laboratory Sampling and Analysis*—Prepare coal in accordance with Method D 2013 and analyze it in accordance with Methods D 3173, D 3174, D 3175, and D 3177. Determine its calorific value in accordance with either ASTM Method D 2015 or D 3286.

7.2 *Agglomerating Character*—The test carried out by the examination of the residue in the platinum crucible incident to the volatile matter determination shall be used.[5] Coals which in the volatile matter determination produce either an agglomerate button that will support a 500-g weight without pulverizing, or a button showing swelling or cell structure, shall be considered agglomerating from the standpoint of classification.

8. Calculation to Mineral-Matter-Free Basis

8.1 *Calculation of Fixed Carbon and Calorific Value*—For classification of coal according to rank, fixed carbon and calorific value shall be calculated to the mineral-matter-free basis in accordance with either the Parr formulas,[6] Eqs 1, 2, and 3, or the approximation formulas, Eqs 4, 5, and 6, that follow. In case of litigation, use the appropriate Parr formula.

8.2 Calculation from "moist" basis:

Parr Formulas

$$\text{Dry, Mm-free FC} = (FC - 0.15S)/[100 - (M + 1.08A + 0.55S)] \times 100 \quad (1)$$

$$\text{Dry, Mm-free VM} = 100 - \text{Dry, Mm-free FC} \quad (2)$$

$$\text{Moist, Mm-free Btu} = (Btu - 50S)/[100 - (1.08A + 0.55S)] \times 100 \quad (3)$$

NOTE—The above formula for fixed carbon is derived from the Parr formula for volatile matter.

Approximation Formulas:

$$\text{Dry, Mm-free FC} = FC/[100 - (M + 1.1A + 0.1S)] \times 100 \quad (4)$$

$$\text{Dry, Mm-free VM} = 100 - \text{Dry, Mm-free FC} \quad (5)$$

$$\text{Moist, Mm-free Btu} = Btu/[100 - (1.1A + 0.1S)] \times 100 \quad (6)$$

where:

Mm = mineral matter,
Btu = British thermal units per pound (calorific value),
FC = percentage of fixed carbon,
VM = percentage of volatile matter,
M = percentage of moisture,
A = percentage of ash, and
S = percentage of sulfur.

"Moist" refers to coal containing its natural inherent or bed moisture, but not including water adhering to the surface of the coal. See 6.1.3, 6.1.4, and 6.2.1.

8.3 *Modification for Coals High in Carbonate*—In case of controversy, coal samples containing more than 1.0 percent carbon dioxide occurring as carbonates determined in accordance with Method D 1756 shall be processed in accordance with Method D 3174, Section 5.1, Note 2 (*a*), or the ash shall be corrected for retained sulfur as determined in accordance with Method D 1757.

[5] R. F. Gilmore, G. P. Connell, and J. H. H. Nicholls, "Agglomerating and Agglutinating Tests for Classifying Weakly Caking Coals," *Transactions*, Am. Institute of Mining and Metallurgical engineers, Coal Division, Vol 108, p. 255 (1934).

[6] S. W. Parr, "The Classification of Coal," *Bulletin No 180*, Engineering Experiment Station, University of Ill (1928).

TABLE 1 Classification of Coals by Rank[a]

Class	Group	Fixed Carbon Limits, percent (Dry, Mineral-Matter-Free Basis)		Volatile Matter Limits, percent (Dry, Mineral-Matter-Free Basis)		Calorific Value Limits, Btu per pound (Moist,[b] Mineral-Matter-Free Basis)		Agglomerating Character
		Equal or Greater Than	Less Than	Greater Than	Equal or Less Than	Equal or Greater Than	Less Than	
I Anthracitic	1 Meta-anthracite	98			2			nonagglomerating
	2 Anthracite	92	98	2	8			
	3 Semianthracite[c]	86	92	8	14			
II Bituminous	1 Low volatile bituminous coal	78	86	14	22	...	...	Commonly agglomerating[d]
	2 Medium volatile bituminous coal	69	78	22	31	...	...	
	3 High volatile *A* bituminous coal	...	69	31		14 000[e]		
	4 High volatile *B* bituminous coal	...	...	...	...	13 000[e]	14 000	
	5 High volatile *C* bituminous coal	...	...	...	...	11 500	13 000	
		...	...	...	...	10 500	11 500	agglomerating
III Subbituminous	1 Subbituminous *A* coal	...	...	...	...	10 500	11 500	nonagglomerating
	2 Subbituminous *B* coal	...	...	...	...	9 500	10 500	
	3 Subbituminous *C* coal	...	...	...	...	8 300	9 500	
IV Lignitic	1 Lignite *A*	...	...	...	...	6 300	8 300	
	2 Lignite *B*	...	...	...	...	...	6 300	

[a] This classification does not include a few coals, principally nonbanded varieties, which have unusual physical and chemical properties and which come within the limits of fixed carbon or calorific value of the high-volatile bituminous and subbituminous ranks. All of these coals either contain less than 48 percent dry, mineral-matter-free fixed carbon or have more than 15,500 moist, mineral-matter-free British thermal units per pound.

[b] Moist refers to coal containing its natural inherent moisture but not including visible water on the surface of the coal.

[c] If agglomerating, classify in low-volatile group of the bituminous class.

[d] Coals having 69 percent or more fixed carbon on the dry, mineral-matter-free basis shall be classified according to fixed carbon, regardless of calorific value.

[e] It is recognized that there may be nonagglomerating varieties in these groups of the bituminous class, and there are notable exceptions in high volatile C bituminous group.

APPENDIX

A.1 Published Analyses Suitable for Coal Classification

A.1.1 Only such published analyses as have been made in accordance with standard ASTM methods shall be used in the classification of coal, and if classification is on the basis of moist calorific value, then only those samples which have been taken and transported to the laboratory in such a manner as to preserve the true moisture content of the coal shall be used. In general, the principal sources of published analyses of samples suitable for coal classification are the publications of the U.S. Bureau of Mines, the U.S. Geological Survey, and the Canadian Department of Mines. Suitable analyses are published also by some of the State Surveys and some of the Provinces of Canada. However, it must be kept in mind that many of the bed sample analyses of the governmental organizations are from prospects in which the coal may have been altered by exposure. Such samples shall not be used for classification. Analyses published prior to 1904 are unlikely to represent the true moisture content of coal, and even after this date, analyses from sources other than governmental laboratories are not likely to be representative with respect to moisture.

In view of the importance of the fixed carbon in coal classification, special attention is called to the 1913 revision in this method by the American Chemical Society.[a] The revision was substantially the same as that introduced by the U.S. Bureau of Mines[b] a few years earlier, as a result of finding large discrepancies between results of the Pittsburgh, Pa., and Washington, D.C., laboratories. A considerable number of analyses were made before it was discovered that the natural-gas burners at the Pittsburgh laboratory gave high results for fixed carbon.[c] For this reason, the fixed carbon results of the U.S. Geological Survey or U.S. Bureau of Mines analyses designated by Laboratory Nos. 5147 to 9120, inclusive, shall not be used for the classification of coal.

All analyses made by any laboratory prior to 1913 should be rejected unless there is positive evidence that the methods of analysis were essentially those adopted by ASTM in 1913.

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[a] Preliminary Report of the Joint Committee on Coal Analysis of the American Society for Testing and Materials and the American Chemical Society, *Journal of Industrial and Engineering Chemistry*, Vol 5, p 517 (1913); see also Report of Subcommittee IV on Volatile Matter, *Proceedings*, Am Soc Testing Mats, Vol XIV, Part I, p 424 (1914).

[b] A. C. Fieldner and W. A. Selvig, "Notes on the Sampling and Analysis of Coal," U.S. Bureau of Mines *Technical Paper* No. 586, p 9 (1938).

[c] S. W. Lord, J. A. Holmes, F. M. Stanton, A. C. Fieldner, and S. Sanford, "Analyses of Coals in the United States," U.S. Bureau of Mines, *Bulletin* No. 22, Part I, p 28 (1913).

By publication of this standard no position is taken with respect to the validity of any patent rights in connection therewith, and the American Society for Testing and Materials does not undertake to insure anyone utilizing the standard against liability for infringement of any Letters Patent nor assume any such liability.

APPENDIX B

Designation: D 431 - 44
(Reapproved 1976)

American National Standard M20.2.1944 (R1969)
American National Standards Institute

Standard Method for
DESIGNATING THE SIZE OF COAL FROM ITS SIEVE ANALYSIS[1]

This Standard is issued under the fixed designation D 431, the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval.

NOTE—Editorial change in title was made in June 1970.

1. Scope

1.1 This method covers the designation of coal sizes from the results of sieve analysis tests of samples taken to represent the condition of the coal as sold. The method applies only to natural continuous ranges of sizes as produced by mining, handling, crushing, screening, etc. In the case of special mixtures, or where the sieve analysis indicates a substantial deviation from a normal gradation of sizes, a sufficiently complete sieve analysis to properly describe the size composition shall be made and reported in accordance with ASTM Method D 410, Test for Sieve Analysis of Coal.[2]

1.2 This method does not cover the standardization of sieves used in the commercial preparation of coal.

NOTE 1—The values stated in U.S. customary units are to be regarded as the standard.

2. Sampling and Sieve Analysis

2.1 Perform sampling and sieve analysis in accordance with ASTM Method D 410, Test for Sieve Analysis of Coal.[2]

3. Sieves

3.1 Size designations in terms of sieves of the following series, shall conform to ASTM Specification E 11, for Wire-Cloth Sieves for Testing Purposes[2], or ASTM Specification E 323, for Perforated-Plate Sieves for Testing Purposes.[2]

Round-Hole Screens:

8-in.	(...)	1½-in.	(37.5-mm)
6-in.	(...)	1¼-in.	(31.5-mm)
5-in.	(125-mm)	1-in.	(25.0-mm)
4-in.	(100-mm)	¾-in.	(19.0-mm)
3-in.	(75-mm)	½-in.	(12.5-mm)
2½-in.	(63-mm)	⅜-in.	(9.5-mm)
2-in.	(50-mm)		

Wire-Cloth Sieves with Square Openings:

No. 4	(4.75-mm)
No. 8	(2.36-mm)
No. 16	(1.18-mm)
No. 30	(600-μm)
No. 50	(300-μm)
No. 100	(150-μm)
No. 200	(75-μm)

4. Size Designation

4.1 The designation shall indicate the range of the size by giving the upper and lower limiting sieves between which more than 80 percent of the sample is retained by actual test, the limiting sieves being selected as follows:

4.1.1 The sieve defining the upper limit shall be the smallest sieve of the series given in Section 3 upon which is retained a total of less than 5 percent of the sample. The sieve defining the lower limit shall be the largest sieve of the series given in Section 3 through which passes a total of less than 15 percent of the sample.

4.1.2 The terms for defining sizes shall be

[1] This method is under the jurisdiction of ASTM Committee D-5 on Coal and Coke.

Current edition effective Sept. 15, 1944. Originally issued 1936. Replaces D 431 - 38.

[2] *Annual Book of ASTM Standards*, Part 26.

written with the upper limiting sieve first, followed by an "X" and that followed by the lower limiting sieve. The abbreviation "in." shall follow the lower limiting sieve but may be omitted after the upper limiting sieve. For sieves of the U.S. standard sieve series (No. 4 and smaller), the abbreviation "No." shall be used each time a sieve is indicated. If the total retained on the 8-in. sieve is 5 percent or greater the size shall be designated by the lower limiting sieve preceded by the word "plus" and followed by an expression in parenthesis giving the percentage over 8 in. to the nearest 1 percent.

4.1.3 The following examples illustrate the system of size designation:

Examples:

plus 1/2 in. (12.5 mm) (10 percent over 8 in.)
plus 4 in. (100 mm) (24 percent over 8 in.)
plus No. 16 (6 percent over 8 in.)
4 × 2 in. (100 mm × 50 mm)
3 × 1/2 in. (75 mm × 12.5 mm)
2 in. (50 mm) × No. 4
No. 4 × No. 30
1 in. (25.0 mm) × No. 50

NOTE 2—On the basis of the relationship between square-mesh sieves and round-hole screens as determined by tests on coal, No. 4 sieve is roughly equivalent to 1/4-in. (6.3-mm) round screen, No. 8 to 3/16-in. (3.35-mm) round, No. 16 to 1/8-in. round, and No. 30 to 1/16-in. round.

NOTE 3—Anthracite is commonly tested at the point of preparation or repreparation to determine whether the sizing conforms to the specifications of the Anthracite Committee of the Production Control Plan for the Anthracite Industry by means of a series of special round-hole screens adopted by the Anthracite Committee, none of which screens have the same size openings as the screens specified in Section 3. The methods of sampling and testing are given in ASTM Method D 310, Test for Size of Anthracite.[4]

By publication of this standard no position is taken with respect to the validity of any patent rights in connection therewith, and the American Society for Testing and Materials does not undertake to insure anyone utilizing the standard against liability for infringement of any Letters Patent nor assume any such liability.

APPENDIX C

Designation: D 410 – 38 (Reapproved 1976)

American National Standard K20.8-1970
American National Standards Institute

Standard Method of SIEVE ANALYSIS OF COAL[1]

This Standard is issued under the fixed designation D 410; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval.

NOTE—An editorial change in 6.3 was made in June 1947, and the title was changed in July 1969.

1. Scope

1.1 This method for sieve analysis is applicable to all coal except anthracite, powdered coal as used in boiler plants, and crushed coal as charged into coke ovens.

NOTE—The values stated in U.S. customary units are to be regarded as the standard.

2. Apparatus

2.1 Sieves of the following series shall be used conforming to ASTM Specification E 11, for Wire-Cloth Sieves for Testing Purposes[2], or ASTM Specification E 323, for Perforated-Plate Sieves for Testing Purposes[2].

Round-Hole Screens:

8-in.	(...)	1½-in.	(37.5-mm)
6-in.	(...)	1¼-in.	(31.5-mm)
5-in.	(125-mm)	1-in.	(25.0-mm)
4-in.	(100-mm)	¾-in.	(19.0-mm)
3-in.	(75-mm)	½-in.	(12.5-mm)
2½-in.	(63-mm)	⅜-in.	(9.5-mm)
2-in.	(50-mm)		

Wire-Cloth Sieves with Square Openings:

4.75-mm	(No. 4)
2.36-mm	(No. 8)
1.18-mm	(No. 16)
600-μm	(No. 30)
300-μm	(No. 50)
150-μm	(No. 100)
75-μm	(No. 200)

3. Time of Sampling

3.1 Sample coal when it is being loaded into or unloaded from railroad cars, ships, barges, or wagons, or when discharged from supply bins, or from industrial railway cars, or grab buckets, or from any coal-conveying equipment, as the case may be. It is not feasible to collect representative samples for screen analysis from the surface of coal in piles or from loaded cars or bins.

4. Collection of Gross Sample

4.1 Collect increments regularly and systematically, so that the entire quantity of coal sampled will be represented proportionately in the gross sample, and with such frequency that a gross sample of the required amount shall be collected. The number of increments collected shall be not less than 20. When the coal is passing over a conveyor or down a chute, increments the full width and thickness of the stream of coal shall be taken either by stopping the conveyor and removing all coal from a transverse section of it, or by momentarily inserting a suitable container into the stream. If it is impracticable to collect increments the full width and thickness of the coal stream, increments shall be systematically collected from all portions of the stream.

5. Weight of Gross Sample

5.1 The weight of the gross sample collected shall conform to the following:

Run-of-mine coal	not less than 4000 lb (1800 kg)
Screened coal with upper limit larger than 4-in. (100-mm) round	not less than 4000 lb (1800 kg)
Coal smaller than 4-in. (100-mm) round	not less than 2000 lb (900 kg)
Coal smaller than 2-in.	not less than 1000 lb

[1] This method is under the jurisdiction of ASTM Committee D-5 on Coal and Coke.

Current edition effective Sept. 1, 1938. Originally issued 1935. Replaces D 410 – 35 T.

[2] *Annual Book of ASTM Standards*, Part 26.

By publication of this standard no position is taken with respect to the validity of any patent rights in connection therewith, and the American Society for Testing and Materials does not undertake to insure anyone utilizing the standard against liability for infringement of any Letters Patent nor assume any such liability.

(50-mm) round	(450 kg)
Coal smaller than 1-in.	not less than 500 lb
(25-mm) round	(215 kg)
Coal smaller than ½-in.	not less than 100 lb
(12.5-mm) round	(45 kg)

6. Reduction of Gross Sample

6.1 *Coal Larger than 1-in. (25-mm) Round*—Screen without mixing or dividing.

6.2 *Coal Smaller than 1-in. Round*—Divide in amount to not less than 125 lb (56.5 kg) by riffling or by arranging it in a long, flat pile and successively halving it or quartering it by the alternate-shovel method as follows: Take successive shovelfuls in passing around the pile (advancing a distance equal to the width of the shovel for each shovelful), and retain alternate shovelfuls or every fourth shovelful for the sample.

6.3 *Coal Smaller than ½-in. (12.5-mm) Round*—Divide to not less than 25 lb (11.4 kg) by passing it through a riffle or equally accurate dividing device, or by hand-quartering as described in ASTM Method D 346, Sampling Coke for Analysis.[2]

6.4 *Coal Smaller than No. 4 Sieve*—Divide to not less than 2 lb (1000 g) by riffling or hand-quartering.

6.5 *Coal Smaller than No. 8 Sieve*—Divide to not less than 1 lb (500 g) by riffling or hand-quartering.

7. Drying Sample

7.1 In case the coal is wet, the sample may be tested on sieves 1 in. (25 mm) round and larger, without drying, but dry the sample of coal smaller than 1-in. round (divided in amount to 125 lb (56.5 kg), as described in Section 6.2), sufficiently to remove surface moisture which causes small particles to cling to the larger pieces. In cases of lignite, subbituminous, and high volatile *C* bituminous coals, take care not to over-dry and cause weathering of the coal.

8. Sieve Analysis

8.1 Accurately weigh the sample before screening. Starting with the largest sieve, screen the sample in such amounts as will allow the pieces to be in direct contact with the openings at the completion of the screening of each amount. Determine the smallest sieve through which all of the sample passes by actual test, in accordance with 8.2, 8.3, and 8.4.

8.2 *Coal Larger than 2½-in. (63-mm) Round*—Try by hand pieces of coal not passing readily through sieves 2½-in. round and larger to see if they will pass through the openings in any position. Do not shake sieves 2½-in. round and larger except for whatever jiggling may be necessary to clear the sieves of fine coal.

8.3 *Coal Smaller than 2½-in. Round*—Test coal passing the 2½-in. round sieve with sieves down to and including 1-in. (25-mm) round as follows: Move the sieve horizontally a distance of about 8 in. at just sufficient rate to cause the pieces of coal to tumble or roll on the sieve. Stop the motion of the sieve without impact. After ten such shakes (five in each direction), screening of the increment shall be considered complete.

8.4 *Coal Smaller than 1-in. Round*—Coal passing the 1-in. round and smaller sieves may be weighed and then divided in amount as provided in Section 6 and then dried as provided in Section 7. Shake sieves smaller than 1-in. round gently with a reciprocating horizontal motion until practically no more coal will pass through the openings. When both 150-μm (No. 100) and 75-μm (No. 200) sieves are used, use the latter first in order to facilitate screening.

9. Report

9.1 Report the sieve analysis results to the nearest 0.1 percent as follows:

	Percent
Retained on . in. round	0
Retained on .... in. round, passing .... in. round	.....
.....	.....
.....	.....
.....	.....
Retained on No ....., passing .... in. round	.....
Retained on No ....., passing No	.....
Passing No.	.....
Total	.....

9.2 If the sum of the weights shows a loss of over 2 percent, reject the analysis and make another test.

6 MCAR § 4.0040 Fugitive emissions within designated areas.

A. Definitions. As used in this rule the following words shall have the meanings defined herein:

1. "Fugitive emissions" means emissions of particulate matter resulting from or related to industrial or commercial activity, other than agricultural farming operations, which are not captured and exhausted to the atmosphere through a stack but which escape directly to the atmosphere either through openings such as doors, windows and building ventilators or from outdoor operations including materials handling or from sources such as storage piles and haul roads.

2. "Material" means a bulk commodity consisting of pieces and particles not of uniform size, including particles in the size range known as silt, which are capable of passing a 200-mesh screen. Materials include, but are not limited to, sand, gravel, crushed rock, soil, clay, grain, fertilizer, salt, limestone, ore and taconite pellets.

3. "Reasonably available control technology (RACT)" is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

4. "Minimize" means, with respect to the control of fugitive emissions, to reduce such emissions to a level consistent with RACT.

B. Applicability. This rule applies to sources of fugitive emissions in the Minneapolis-St. Paul Air Quality Control Region, the City of Duluth, and the City of International Falls for which standards of performance have not been promulgated in a specific rule. Fugitive emission sources not specifically covered in this rule or in a separate rule are subject to the requirements of Minn. Rule APC 6.

C. Standards of performance.

1. Materials transport. No person shall cause or permit the transporting of materials in a motor vehicle in a manner which allows the release of particulate matter from the vehicle into the atmosphere or onto a roadway. As required, such escape of material shall be minimized by means such as watering, applying dust suppressants or covering the load.

2. Building openings. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emissions having a density of greater than five (5) percent opacity from building openings such as doors, windows and vents.

3. Storage piles and storage pile loading. The requirements of this subsection apply to operations producing, processing or storing more than 100,000 tons of a material per year.

a. No person shall cause or permit the storage of materials unless such storage piles are enclosed or covered, or sprayed with water or dust suppressants, or treated by a practicable equivalent method, as required to minimize the discharge into the atmosphere of fugitive emissions.

b. No person shall cause or permit the loading of materials onto storage piles unless such loading operations utilize telescopic chutes or other equivalent methods to minimize the fall of material or utilize spray systems or equivalent methods to minimize the discharge into the atmosphere of fugitive emissions.

4. Access areas, roads, parking facilities. No person shall cause or permit the use of access areas surrounding storage piles and the use of roads and parking facilities which are located on mining, manufacturing, industrial or other commercial properties unless such areas and roads are paved or treated with water, oils or dust suppressants. All paved roads and areas shall be cleaned to minimize the discharge to the atmosphere of fugitive emissions. Such cleaning shall be accomplished in a manner which minimizes resuspension of particulate matter.

5. Materials handling. No person shall cause or permit the moving, transferring or handling of any materials in the outdoors using bulk material moving equipment unless reasonable measures such as applying water or dust suppressants to the material or utilizing practices which minimize disturbance of the storage pile are taken to minimize the discharge into the atmosphere of fugitive emissions.

6. Materials transfer—unloading, loading. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emission having a density of greater than ten (10) percent opacity from railcar or truck dumping or bottom unloading operations or from the transfer of materials from a storage hopper or similar container to a truck, trailer, railcar, ship or barge.

7. Miscellaneous operations. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emission having a density of greater than ten (10) percent opacity from crushers, screening operations, bucket elevators or conveyor transfer points.

8. Sand blasting. No person shall cause or permit any sand or other abrasive blasting, preparation before such blasting, or clean up following such blasting, unless reasonable measures such as water injection, enclosing or vacuuming are taken to minimize the discharge into the atmosphere of fugitive emissions.

9. Construction and demolition. No person shall cause or permit the operation of a construction site or demolition project, including earthmoving, grading and site preparation, unless reasonable measures such as watering or treatment with dust suppressants are taken to minimize the discharge into the atmosphere of fugitive emissions.

10. Exemptions. Visible emission (opacity) requirements of subsections C.6. and C.7. shall not apply when the wind speed is greater than 25 miles per hour, as determined by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Housing Finance Agency

Notice of Intent to Solicit Outside Opinion for Rules Governing Housing Programs for Urban American Indians

Notice is hereby given that the Minnesota Housing Finance Agency is seeking information or opinions from sources outside the Agency in preparing to propose the adoption of rules governing housing programs for urban Native Americans. These rules are authorized by Laws of 1978, ch. 670.

To facilitate the gathering of information, informational meetings will be held at various locations throughout the state. The first such meeting will be held in Duluth, Minnesota at the American Indian Fellowship Association, 8 East Second Street, on June 15, 1978 at 4:00 p.m. Any interested persons may submit data or reviews on this subject in writing or orally at this meeting.

Written material may also be submitted to:

May Hutchinson
Minnesota Housing Finance Agency
200 Nalpak Building
333 Sibley Street
St. Paul, MN. 55101

Any written material received shall become a part of the hearing record in the event rules governing the subject matter are promulgated.

James J. Solem
Executive Director

Pollution Control Agency

Notice of Intent to Solicit Outside Opinion Regarding Proposed Changes to the Existing State Air Quality Implementation Plan

Notice is hereby given that the Minnesota Pollution Control Agency will be revising its existing State Air Quality Implementation Plan to achieve National Ambient Air Quality Standards. The revisions to the plan will require new regulations to be developed and some existing regulations may be amended.

The Pollution Control Agency is interested in soliciting comments on the adequacy of the existing State Implementation Plan and suggestions for improvements.

All interested or affected persons or groups are requested to participate. Statements of information or comments may be made orally or in writing. Written statements of information and comments may be addressed to:

Edward M. Wiik, Director
Division of Air Quality
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-7358.

Any written material received by the Agency shall become part of the hearing record during adoption or revision of regulations.

Department of Human Rights

Settlement Agreements and Predetermination Agreements for the Period Beginning May 1, 1978 and Ending June 2, 1978

Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.