

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

KVM 7/23/92

RULE REVIEW CHECKLIST

File No. 1933
DATE RECEIVED 7-21-92
REVIEW DATE 7-30-92
DUE DATE 8-4-92
~~(DIS)~~APPROVED 8-5-92
WITHDRAWN _____

Docket No. 05 0009 070
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 7-23-92
REVISOR (DIS)APPROVED 7/29/92
FILED W/SEC. OF STATE 8-5-92
RETURNED TO AGENCY 8-5-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
June 3, 1991 Date published in State Register
NO Comments

✓ ~~Petition~~ for Adoption of a Rule

✓ Board's Authorizing Resolution
March 24, 1992 Date adopted

✓ Proposed Rule

✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
116.07 subd 4a Statutory Authority
_____ Small Business Statement
April 17, 1992 Expenditure of public money statement
Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
_____ Fees - § 16A.128 - received approval from finance

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
April 29, 1992 Dated 30/25 days before adopted
_____ Notice attached indicates it is attached
affidavit of sending letters to House approps and Senate finance

✓ Copy of rule or summary attached

✓ Publication in State Register
May 4, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
_____ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
June 29, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
June 29, 1992 Date Note. Missing Statement about Fees

✓ Written Requests, Submissions or Comments

✓ ~~Bob Barbarich~~ Declaration of Attorney
Bob Frese Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

Office of the Attorney General

TO : MR. MARK STRANGE
MN Pollution Control Agency
520 Lafayette Road North
St. Paul

DATE : August 5, 1992

FROM : AMY V. KVALSETH
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Air Emission Permit Fees

The above-referenced rule has been approved as to its legality by the Attorney General on August 5, 1992.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

Enclosures
cc: Barbara E. Freese
William Brown, Chief Judge
MaryAnn Hruby

AVK:jj.rules.az0

Pollution Control Agency

Adopted Permanent Rules Relating to Air Emission Permit Fees

Rules as Adopted

AIR EMISSION PERMIT FEES

7001.0140 FINAL DETERMINATION.

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

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

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

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

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

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:

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

D. the permittee has failed to comply with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

7002.0005 SCOPE.

Parts 7002.0005 to 7002.0085 apply to all persons required to obtain an air emission permit or an indirect source permit from the Minnesota Pollution Control Agency under parts 7001.1200 to 7001.1350 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at

Approved by Revisor CMR

Large, volume 104, pages 2399 et seq.

7002.0015 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7002.0005 to 7002.0085, the terms defined in this part have the meanings given them. The definitions in parts 7001.0010, 7001.1260, and 7005.0010 to 7005.3060 apply unless the terms are defined in this part.

Subp. 2. **Affected facility.** "Affected facility" means any facility for which the owner or operator of the facility must obtain an air emission permit under parts 7001.1200 to 7001.1220 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq.

Subp. 3. **Emission inventory.** "Emission inventory" means the inventory of actual emissions required under part 7005.1875.

Subp. 4. **Regulated pollutant.** "Regulated pollutant" means the following:

A. Nitrogen oxides (NO_x) or any volatile organic compound.

B. Any pollutant for which a national ambient air quality standard has been promulgated, except carbon monoxide.

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. **Calculation of fee.** Operators of affected facilities shall pay an annual emission fee for each ton of a regulated pollutant emitted to the air by the facility. The fee shall be based on the actual emission tonnages as established in the most recent available emission inventory. The fees shall be $X for each ton of any regulated pollutant. The value of "X" is as determined in part 7002.0045.

Subp. 2. **New facilities.** New emission facilities that have been issued a permit, but have not yet been required to submit emissions data, shall pay a fee of $770.

Subp. 3. **Estimated potential to emit.** If an emission facility fails to submit actual emissions data as required by part 7005.1870, subpart 4, or 7005.1875, whichever is in effect

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when the inventory is due, the annual emission fee for that facility shall be based on the estimated potential-to-emit of that facility, as defined in part 7005.0100, subpart 35a.

7002.0035 AIR QUALITY ANNUAL FEE TARGET.

The annual fee target shall be set as described in items A, B, and C.

A. For fiscal year 1993, the unadjusted fee target shall be $5,093,000.

B. For fiscal year 1994 and thereafter, the unadjusted fee target shall be the greater of the following:

(1) the sum of:

(a) the amount directly appropriated to the Air Quality Division from the environmental fund for that fiscal year; and

(b) the Air Quality Division's portion of the appropriation from the environmental fund to the agency's general support program, as determined by using the indirect cost allocation plan approved by the Minnesota Department of Finance under Minnesota Statutes, section 16A.127, subdivision 4; or

(2) the amount calculated by multiplying $25 per ton, adjusted for inflation since 1989, times the number of tons of each regulated pollutant listed in the most recent available emission inventory. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described by the United States Environmental Protection Agency in rules adopted under title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399, et seq.

C. The amounts described in items A and B must be adjusted as follows:

(1) if the agency failed to collect its fee target the previous year, after making reasonable efforts to do so, the shortfall must be added to the next year's fee target;

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(2) if the agency collected more than its fee target the previous year, the excess must be subtracted from the next year's fee target; and

(3) for any year, the commissioner may increase the fee target by up to five percent to reflect the anticipated fee nonpayment rate. This increase must not be considered for purposes of calculating a deficit or surplus under subitems (1) and (2).

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "X" used in part 7002.0025 shall be computed as follows:

X = (F - I - P)/T

where:

X = Dollars per ton.

F = Total annual fee target, as determined in this part.

I = Total amount to be billed as indirect source permit fees for the previous calendar year, part 7002.0055.

P = Total amount to be billed as new permit fees for the previous calendar year, part 7002.0025, subpart 2.

T = Total number of tons of all regulated pollutants listed in the most recent annual emissions inventory.

7002.0055 INDIRECT SOURCE PERMIT FEES.

Subpart 1. **Schedule.** A person who applies for a permit to construct, modify, or reconstruct an indirect source as defined in part 7001.1260, subpart 5, shall be assessed fees according to the following schedule~~:~~. Surcharges apply to new permit applications if the basis for the surcharge is present in the proposed project. Surcharges apply to modified permit applications if the basis for the surcharge is present in the proposed modification.

Basic charges	Fee
New permit application	$1,605
Permit modification application	$1,205
Surcharges	
Involves 5,000 or more parking spaces	

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or 700,000 or more square feet	$2,005
Noise variance applied for	$3,265
On-site contamination affects facility	$800
Requires binding commitments for new roadway improvements	$1,205
Requires involvement of more than one governmental unit or roadway authority	$400
New permit application that involves more than one ~~applicant~~ owner, except governmental coapplicants acting in regulatory capacity	$2,005
Permit application formally amended during application review process to change size ~~of~~ or scope of project, except minor changes as defined in subpart 3	$1,205
Contains an entertainment or sports facility with a peak attendance level of 10,000 or more people or 10,000 or more parking spaces	$1,605
Involves a change in ownership except from single owner to single owner	$1,205

Subp. 2. **Fees nonrefundable.** The fees in subpart 1 shall be determined by the division manager upon application for an indirect source permit, or when it becomes apparent that a surcharge shall apply. A bill for the amount due shall be sent after January 1 of the following calendar year. Fees paid under this part are nonrefundable, regardless of whether a permit is eventually issued.

Subp. 3. **Minor changes.** The amendment of a permit application during the application review process shall be considered minor for purposes of this part if it would have been considered a minor modification under part 7001.1350 or if an agency approved trip analysis shows that the change would not increase vehicle trips in any intersection in any hour by 100 trips or more.

7002.0065 PAYMENT OF FEES.

A person submitting the fee shall make it payable to the Minnesota Pollution Control Agency, and shall submit it to the division manager. The fee shall be paid within 60 days of receipt of an invoice from the division manager.

7002.0075 NOTIFICATION OF ERROR.

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A person who thinks that the assessed fee is in error shall provide a written explanation of the person's position to the commissioner along with the assessed fee. The commissioner shall, within 60 days of the receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

7002.0085 LATE PAYMENT FEE.

An owner or operator of an affected facility shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of the payment due date, and shall pay an additional ten percent of the original payment due for each additional 30-day period ~~or portion thereof~~ that the payment is late.

7002.0095 EFFECTIVE DATE.

Parts 7002.0005 to 7002.0085 are effective July 1, 1992.

7005.0100 DEFINITIONS.

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

Subp. 9a. **Division manager.** "Division manager" means the division manager of the Air Quality Division of the Minnesota Pollution Control Agency.

[For text of subps 10 and 10b, see M.R.]

Subp. 10c. **EPA efficiency factor.** "EPA efficiency factor" means the control efficiency listed in the Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: AEROS Manual of Codes, EPA-450/2-76-005, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, April 1976, which is incorporated by reference and is available through the Minitex interlibrary loan system.

Subp. 10d. **EPA emission factor.** "EPA emission factor"

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means the emission factor listed in AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA 450/4-90-003, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, March 1990, which is incorporated by reference and is available at the state law library and through the Minitex interlibrary loan system.

[For text of subps 11 to 30, see M.R.]

Subp. 30a. **PM-10.** "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

[For text of subps 31 to 42c, see M.R.]

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

A. methane;

B. ethane;

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

D. trichlorotrifluoroethane (CFC-113);

E. methylene chloride;

F. trichlorofluoromethane (CFC-11);

G. dichlorodifluoromethane (CFC-12);

H. chlorodifluoromethane (CFC-22);

I. trifluoromethane (FC-23);

J. dichlorotetrafluoroethane (CFC-114);

K. chloropentafluoroethane (CFC-115);

L. dichlorotrifluoroethane (HCFC-129);

M. tetrafluoroethane (HFC-134a);

N. dichlorofluoroethane (HCFC-141b);

O. chlorodifluoroethane (HCFC-142b);

P. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

Q. pentafluoroethane (HFC-125);

R. 1,1,2,2-tetrafluoroethane (HFC-134);

S. 1,1,1-trifluoroethane (HFC-143a);

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T. 1,1-difluoroethane (HFC-152a);

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

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

7005.1875 EMISSION INVENTORY.

Subpart 1. **Owners or operators.** All owners or operators of affected facilities, as defined in part 7002.0015, subpart 2, shall submit an annual emission inventory report to the agency, in a format specified by the commissioner, relating to carbon monoxide and all regulated pollutants as defined in part 7002.0015, subpart 4. The report shall be submitted on or before April 1 of the year following the year being reported. A person who signs the report shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that the data provided in this document will be used by the MPCA to calculate a fee, which the facility will be required to pay under Minnesota Rules, part 7002.0025, based on the tons of pollution emitted by the facility."

Subp. 2. **Owner or operator error in reporting data.** If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it occurred. If the commissioner agrees that the correction is appropriate, the commissioner shall correct the data in the

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inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner shall not recognize any correction submitted by an owner or operator which would result in a reduction of tons emitted if the correction is submitted after November ~~31~~ 30 of the year the inventory is due.

7005.1876 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

Subpart 1. **Method.**

A. Except as provided in item B, all calculations of actual emissions required under part 7005.1875 shall be based on the operating data supplied in the emission inventory, multiplied by an emission factor. The emission factor used in this calculation shall be an EPA emission factor or, where no EPA emission factor is available, an emission factor generated by the agency. An emission factor generated by the agency shall be calculated using engineering methods consistent with the methods used by the EPA to calculate EPA emission factors. Control equipment efficiency shall be based on the average of the range of EPA efficiency factors or shall be based on the efficiency verified by a performance test conducted according to part 7005.1860, provided the performance test took place in the year for which emissions are being calculated.

B. The alternative method described in subpart 2 shall be used by the affected facility to calculate actual emissions in its emissions inventory instead of the method described in item A if data as described in subpart 2 is available for the facility. The alternative methods described in subparts 3, 4, and 5 may be used by the facility without advance notification to the division manager. The method described in subpart 6 may be used, provided that the proposal is submitted to the division manager by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall reject data submitted using the methods described in subparts 2 to 5 if the conditions set forth for the method are not fully met.

Subp. 2. **Continuous emission monitor (CEM) data.** If an

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affected facility has collected emissions data through use of a continuous emission monitor (CEM), the facility shall report that data to the agency in its emission inventory. The requirements in items A to C must be met.

A. The CEM operation must have been in compliance with all of the requirements of parts 7005.1850, 7005.1870, and 7005.1880; any other applicable state or federal laws pertaining to CEM operation; and all applicable air emission permit conditions.

B. The total operating time of the applicable emission unit and the total operating time of the CEM must be included in the report.

C. An explanation of how the emissions were calculated based on the CEM data must be included in the report. For CEM downtime, this calculation must apply EPA emission factors, stack test data as specified in subpart 3, a permit emission limit, or the method of reporting CEM downtime specified by the United States Environmental Protection Agency in rules adopted under section 412 of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104. This method may be used by any facility with a CEM, regardless of whether federal regulations require them to use it.

Subp. 3. **Stack test data.** Emission factors from stack tests may be used for the calculation of emissions, provided that the following conditions are met:

A. all the requirements of part 7005.1860, all other applicable state and federal laws, and all applicable air emission permit conditions relating to stack testing have been complied with; and

B. the test was performed during the calendar year for which the emissions are being calculated.

Subp. 4. **Volatile organic compound (VOC) material balance.** A material balance method may be used to calculate VOC emissions. A person using material balance to calculate VOC emissions shall determine the total VOC emissions (E) as follows:

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$$E = (a - b - c) * (1 - d)$$

where:

a = the amount of VOC entering the process. A signed statement from the supplier ~~separate from~~ or the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

b = the amount of VOC incorporated permanently into the product. This includes VOC's chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the overall efficiency, or the product of capture efficiency and control efficiency, of any device used to capture and/or control VOC emissions, expressed as a decimal fraction of 1.00. This overall efficiency shall be based on the average of the range of EPA efficiency factors, or shall be based on the overall efficiency verified by a performance test conducted according to part 7005.1860, provided that the performance test took place in the year for which emissions are being calculated.

Subp. 5. **SO_2 material balance.** A person may determine sulfur dioxide emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using American Society of Testing and Materials (ASTM) methods. The sulfur dioxide emissions shall be determined by using the following equation: $SO_2 = \%S/100 \times F/2000 \times 2$.

where:

SO_2 = Sulfur dioxide emissions from a batch of fuel.

%S = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur

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in one pound-mole.

The total sulfur dioxide emissions for the year shall be the sum total of the individual batch totals.

Subp. 6. **Facility proposal.** If none of the alternative methods in subparts 2 to 5 would give an accurate representation of the facility's actual emissions, or none of the methods listed is technically or economically feasible, the affected facility may propose an alternative method for calculating the emissions. The proposal shall include:

A. an explanation of why none of the alternative methods in subparts 2 to 5 give an accurate representation of emissions, or why the methods are not technically or economically feasible;

B. a detailed description of the proposed method; and

C. a comparison of the accuracy of the proposed method with the alternatives in subparts 2 to 5.

The proposal shall be submitted to the commissioner by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall accept the affected facility's proposal if the commissioner finds that the proposal is equally or more representative of the facility's emissions than alternatives in subparts 2 to 5, excluding the technically or economically infeasible alternatives. If the commissioner rejects the proposal, the commissioner shall do so by February 1 of the year the inventory is due.

REPEALER. Minnesota Rules, parts 7002.0010, 7002.0020, 7002.0030, 7002.0040, 7002.0050, 7002.0060, 7002.0070, 7002.0080, 7002.0090, 7002.0100, 7002.0110, and 7005.1870, subpart 4, are repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

August 5 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Amy V. Kvalseth
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 05 1992

Joan Anderson Growe
Secretary of State

12:02

Pollution Control Agency

Change 7/28/92

Adopted Permanent Rules Relating to Air Emission Permit Fees

Rules as Adopted

AIR EMISSION PERMIT FEES

7001.0140 FINAL DETERMINATION.

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

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

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

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

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

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:

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

D. the permittee has failed to comply with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

7002.0005 SCOPE.

Parts 7002.0005 to 7002.0085 apply to all persons required to obtain an air emission permit or an indirect source permit from the Minnesota Pollution Control Agency under parts 7001.1200 to 7001.1350 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at

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Large, volume 104, pages 2399 et seq.

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Subpart 1. **Scope.** For the purposes of parts 7002.0005 to 7002.0085, the terms defined in this part have the meanings given them. The definitions in parts 7001.0010, 7001.1260, and 7005.0010 to 7005.3060 apply unless the terms are defined in this part.

Subp. 2. **Affected facility.** "Affected facility" means any facility for which the owner or operator of the facility must obtain an air emission permit under parts 7001.1200 to 7001.1220 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq.

Subp. 3. **Emission inventory.** "Emission inventory" means the inventory of actual emissions required under part 7005.1875.

Subp. 4. **Regulated pollutant.** "Regulated pollutant" means the following:

A. Nitrogen oxides (NO_X) or any volatile organic compound.

B. Any pollutant for which a national ambient air quality standard has been promulgated, except carbon monoxide.

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. **Calculation of fee.** Operators of affected facilities shall pay an annual emission fee for each ton of a regulated pollutant emitted to the air by the facility. The fee shall be based on the actual emission tonnages as established in the most recent available emission inventory. The fees shall be $X for each ton of any regulated pollutant. The value of "X" is as determined in part 7002.0045.

Subp. 2. **New facilities.** New emission facilities that have been issued a permit, but have not yet been required to submit emissions data, shall pay a fee of $770.

Subp. 3. **Estimated potential to emit.** If an emission facility fails to submit actual emissions data as required by part 7005.1870, subpart 4, or 7005.1875, whichever is in effect

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when the inventory is due, the annual emission fee for that facility shall be based on the estimated potential-to-emit of that facility, as defined in part 7005.0100, subpart 35a.

7002.0035 AIR QUALITY ANNUAL FEE TARGET.

The annual fee target shall be set as described in items A, B, and C.

A. For fiscal year 1993, the unadjusted fee target shall be $5,093,000.

B. For fiscal year 1994 and thereafter, the unadjusted fee target shall be the greater of the following:

(1) the sum of:

(a) the amount directly appropriated to the Air Quality Division from the environmental fund for that fiscal year; and

(b) the Air Quality Division's portion of the appropriation from the environmental fund to the agency's general support program, as determined by using the indirect cost allocation plan approved by the Minnesota Department of Finance under Minnesota Statutes, section 16A.127, subdivision 4; or

(2) the amount calculated by multiplying $25 per ton, adjusted for inflation since 1989, times the number of tons of each regulated pollutant listed in the most recent available emission inventory. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described by the United States Environmental Protection Agency in rules adopted under title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399, et seq.

C. The amounts described in items A and B must be adjusted as follows:

(1) if the agency failed to collect its fee target the previous year, after making reasonable efforts to do so, the shortfall must be added to the next year's fee target;

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(2) if the agency collected more than its fee target the previous year, the excess must be subtracted from the next year's fee target; and

(3) for any year, the commissioner may increase the fee target by up to five percent to reflect the anticipated fee nonpayment rate. This increase must not be considered for purposes of calculating a deficit or surplus under subitems (1) and (2).

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "X" used in part 7002.0025 shall be computed as follows:

$$X = (F - I - P)/T$$

where:

X = Dollars per ton.

F = Total annual fee target, as determined in this part.

I = Total amount to be billed as indirect source permit fees for the previous calendar year, part 7002.0055.

P = Total amount to be billed as new permit fees for the previous calendar year, part 7002.0025, subpart 2.

T = Total number of tons of all regulated pollutants listed in the most recent annual emissions inventory.

7002.0055 INDIRECT SOURCE PERMIT FEES.

Subpart 1. **Schedule.** A person who applies for a permit to construct, modify, or reconstruct an indirect source as defined in part 7001.1260, subpart 5, shall be assessed fees according to the following schedule~~:~~. Surcharges apply to new permit applications if the basis for the surcharge is present in the proposed project. Surcharges apply to modified permit applications if the basis for the surcharge is present in the proposed modification.

Basic charges	Fee
New permit application	$1,605
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Involves 5,000 or more parking spaces	

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or 700,000 or more square feet	$2,005
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Requires binding commitments for new roadway improvements	$1,205
Requires involvement of more than one governmental unit or roadway authority	$400
New permit application that involves more than one ~~applicant~~ owner, except governmental coapplicants acting in regulatory capacity	$2,005
Permit application formally amended during application review process to change size ~~of~~ or scope of project, except minor changes as defined in subpart 3	$1,205
Contains an entertainment or sports facility with a peak attendance level of 10,000 or more people or 10,000 or more parking spaces	$1,605
Involves a change in ownership except from single owner to single owner	$1,205

Subp. 2. **Fees nonrefundable.** The fees in subpart 1 shall be determined by the division manager upon application for an indirect source permit, or when it becomes apparent that a surcharge shall apply. A bill for the amount due shall be sent after January 1 of the following calendar year. Fees paid under this part are nonrefundable, regardless of whether a permit is eventually issued.

Subp. 3. **Minor changes.** The amendment of a permit application during the application review process shall be considered minor for purposes of this part if it would have been considered a minor modification under part 7001.1350 or if an agency approved trip analysis shows that the change would not increase vehicle trips in any intersection in any hour by 100 trips or more.

7002.0065 PAYMENT OF FEES.

A person submitting the fee shall make it payable to the Minnesota Pollution Control Agency, and shall submit it to the division manager. The fee shall be paid within 60 days of receipt of an invoice from the division manager.

7002.0075 NOTIFICATION OF ERROR.

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A person who thinks that the assessed fee is in error shall provide a written explanation of the person's position to the commissioner along with the assessed fee. The commissioner shall, within 60 days of the receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

7002.0085 LATE PAYMENT FEE.

An owner or operator of an affected facility shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of the payment due date, and shall pay an additional ten percent of the original payment due for each additional 30-day period or portion thereof that the payment is late.

7002.0095 EFFECTIVE DATE.

Parts 7002.0005 to 7002.0085 are effective July 1, 1992.

7005.0100 DEFINITIONS.

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

Subp. 9a. **Division manager.** "Division manager" means the division manager of the Air Quality Division of the Minnesota Pollution Control Agency.

[For text of subps 10 and 10b, see M.R.]

Subp. 10c. **EPA efficiency factor.** "EPA efficiency factor" means the control efficiency listed in the Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: AEROS Manual of Codes, EPA-450/2-76-005, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, April 1976, which is incorporated by reference and is available through the Minitex interlibrary loan system.

Subp. 10d. **EPA emission factor.** "EPA emission factor"

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means the emission factor listed in AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA 450/4-90-003, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, March 1990, which is incorporated by reference and is available at the state law library and through the Minitex interlibrary loan system.

[For text of subps 11 to 30, see M.R.]

Subp. 30a. **PM-10.** "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

[For text of subps 31 to 42c, see M.R.]

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

A. methane;

B. ethane;

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

D. trichlorotrifluoroethane (CFC-113);

E. methylene chloride;

F. trichlorofluoromethane (CFC-11);

G. dichlorodifluoromethane (CFC-12);

H. chlorodifluoromethane (CFC-22);

I. trifluoromethane (FC-23);

J. dichlorotetrafluoroethane (CFC-114);

K. chloropentafluoroethane (CFC-115);

L. dichlorotrifluoroethane (HCFC-129);

M. tetrafluoroethane (HFC-134a);

N. dichlorofluoroethane (HCFC-141b);

O. chlorodifluoroethane (HCFC-142b);

P. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

Q. pentafluoroethane (HFC-125);

R. 1,1,2,2-tetrafluoroethane (HFC-134);

S. 1,1,1-trifluoroethane (HFC-143a);

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T. 1,1-difluoroethane (HFC-152a);

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

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

7005.1875 EMISSION INVENTORY.

Subpart 1. **Owners or operators.** All owners or operators of affected facilities, as defined in part 7002.0015, subpart 2, shall submit an annual emission inventory report to the agency, in a format specified by the commissioner, relating to carbon monoxide and all regulated pollutants as defined in part 7002.0015, subpart 4. The report shall be submitted on or before April 1 of the year following the year being reported. A person who signs the report shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that the data provided in this document will be used by the MPCA to calculate a fee, which the facility will be required to pay under Minnesota Rules, part 7002.0025, based on the tons of pollution emitted by the facility."

Subp. 2. **Owner or operator error in reporting data.** If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it occurred. If the commissioner agrees that the correction is appropriate, the commissioner shall correct the data in the

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inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner shall not recognize any correction submitted by an owner or operator which would result in a reduction of tons emitted if the correction is submitted after November ~~31~~ 30 of the year the inventory is due.

7005.1876 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

Subpart 1. **Method.**

A. Except as provided in item B, all calculations of actual emissions required under part 7005.1875 shall be based on the operating data supplied in the emission inventory, multiplied by an emission factor. The emission factor used in this calculation shall be an EPA emission factor or, where no EPA emission factor is available, an emission factor generated by the agency. An emission factor generated by the agency shall be calculated using engineering methods consistent with the methods used by the EPA to calculate EPA emission factors. Control equipment efficiency shall be based on the average of the range of EPA efficiency factors or shall be based on the efficiency verified by a performance test conducted according to part 7005.1860, provided the performance test took place in the year for which emissions are being calculated.

B. The alternative method described in subpart 2 shall be used by the affected facility to calculate actual emissions in its emissions inventory instead of the method described in item A if data as described in subpart 2 is available for the facility. The alternative methods described in subparts 3, 4, and 5 may be used by the facility without advance notification to the division manager. The method described in subpart 6 may be used, provided that the proposal is submitted to the division manager by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall reject data submitted using the methods described in subparts 2 to 5 if the conditions set forth for the method are not fully met.

Subp. 2. **Continuous emission monitor (CEM) data.** If an

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affected facility has collected emissions data through use of a continuous emission monitor (CEM), the facility shall report that data to the agency in its emission inventory. The requirements in items A to C must be met.

A. The CEM operation must have been in compliance with all of the requirements of parts 7005.1850, 7005.1870, and 7005.1880; any other applicable state or federal laws pertaining to CEM operation; and all applicable air emission permit conditions.

B. The total operating time of the applicable emission unit and the total operating time of the CEM must be included in the report.

C. An explanation of how the emissions were calculated based on the CEM data must be included in the report. For CEM downtime, this calculation must apply EPA emission factors, stack test data as specified in subpart 3, a permit emission limit, or the method of reporting CEM downtime specified by the United States Environmental Protection Agency in rules adopted under section 412 of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104. This method may be used by any facility with a CEM, regardless of whether federal regulations require them to use it.

Subp. 3. **Stack test data.** Emission factors from stack tests may be used for the calculation of emissions, provided that the following conditions are met:

A. all the requirements of part 7005.1860, all other applicable state and federal laws, and all applicable air emission permit conditions relating to stack testing have been complied with; and

B. the test was performed during the calendar year for which the emissions are being calculated.

Subp. 4. **Volatile organic compound (VOC) material balance.** A material balance method may be used to calculate VOC emissions. A person using material balance to calculate VOC emissions shall determine the total VOC emissions (E) as follows:

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$$E = (a - b - c) * (1 - d)$$

where:

a = the amount of VOC entering the process. A signed statement from the supplier ~~separate from~~ or the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

b = the amount of VOC incorporated permanently into the product. This includes VOC's chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the overall efficiency, or the product of capture efficiency and control efficiency, of any device used to capture and/or control VOC emissions, expressed as a decimal fraction of 1.00. This overall efficiency shall be based on the average of the range of EPA efficiency factors, or shall be based on the overall efficiency verified by a performance test conducted according to part 7005.1860, provided that the performance test took place in the year for which emissions are being calculated.

Subp. 5. **SO_2 material balance.** A person may determine sulfur dioxide emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using American Society of Testing and Materials (ASTM) methods. The sulfur dioxide emissions shall be determined by using the following equation: $SO_2 = \%S/100 \times F/2000 \times 2$.

where:

SO_2 = Sulfur dioxide emissions from a batch of fuel.

%S = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur

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in one pound-mole.

The total sulfur dioxide emissions for the year shall be the sum total of the individual batch totals.

Subp. 6. **Facility proposal.** If none of the alternative methods in subparts 2 to 5 would give an accurate representation of the facility's actual emissions, or none of the methods listed is technically or economically feasible, the affected facility may propose an alternative method for calculating the emissions. The proposal shall include:

A. an explanation of why none of the alternative methods in subparts 2 to 5 give an accurate representation of emissions, or why the methods are not technically or economically feasible;

B. a detailed description of the proposed method; and

C. a comparison of the accuracy of the proposed method with the alternatives in subparts 2 to 5.

The proposal shall be submitted to the commissioner by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall accept the affected facility's proposal if the commissioner finds that the proposal is equally or more representative of the facility's emissions than alternatives in subparts 2 to 5, excluding the technically or economically infeasible alternatives. If the commissioner rejects the proposal, the commissioner shall do so by February 1 of the year the inventory is due.

REPEALER. Minnesota Rules, parts 7002.0010, 7002.0020, 7002.0030, 7002.0040, 7002.0050, 7002.0060, 7002.0070, 7002.0080, 7002.0090, 7002.0100, 7002.0110, and 7005.1870, subpart 4, are repealed.

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Office of the Revisor of Statutes

Administrative Rules

Changed 7/28/92

TITLE: Adopted Permanent Rules Relating to Air Emission Permit Fees

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapters 7001, 7002, 7005

INCORPORATIONS BY REFERENCE:

Part 7005.0100, subpart 10c: Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: AEROS Manual of Codes, EPA-450/2-76-005, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, April 1976.

Part 7005.0100, subpart 10d: AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA 450/4-90-003, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, March 1990.

The first document is available through the Minitex interlibrary loan system. The second document is available at the state law library through the Minitex interlibrary loan system.

The attached rules are approved for filing with the Secretary of State

Carla M. Riehle

Carla M. Riehle
Assistant Revisor

Speed Letter® 44-902

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To Patty Nolte
Attorney General Office

From Norma Flores
HPCA - AQ
296-7712

Subject Emission Fee Rules for Air Quality

—No. 9 & 10 FOLD

MESSAGE

Patty:

Attached is a complete pleadings package for the above rulemaking for your review and approval. Please call me if you have additional questions.

Date 7-21-92 Signed Norma Flores

REPLY

—No. 9 FOLD

—No. 10 FOLD

Date Signed

WilsonJones
44-902 3-PART PRINTED IN U.S.A.
Carbonless

RECIPIENT—RETAIN WHITE COPY, RETURN PINK COPY

SENDER—DETACH AND RETAIN YELLOW COPY, SEND WHITE AND PINK COPIES

Stat Authority

The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency ~~pen~~ permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision.

end of comment period June 3, 1992

Findings of Fact

missing K(3) fees copy of the notice

(They did comply with 16A.128 but did not make statement in findings

Rules SONAR out of order

to find 7005.0100 go to page 42

7-24-92 - Check 180 day limits

Office of the Revisor of Statutes
Administrative Rules

Carla M. Riehle
Assistant Revisor
297-2948

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

July 16, 1992

Mark Strange
Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

RE: File No. 1992

Dear Mark:

Enclosed are four copies of your rule with the modifications you requested.

Please submit the rules to the Attorney General or the Office of Administrative Hearings, as appropriate.

If you have any questions or need further modifications, please call me.

Very truly yours,

Carla M. Riehle

PLEADINGS REGISTER

Proposed Rules Governing; Permits, Minn. Rules Parts 7001.0140 and 7001.0180; Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876

Number	Title of Pleading
1.	Notice of Intent to Solicit Outside Information Regarding Proposed Rules, 15 State Reg. 2570, (June 3, 1991) (Photocopy)
2.	Proposed Permanent Rules Relating to Air Emission Fees (Revisor Certified Copy) (Photocopy)
3.	Statement of Need and Reasonableness (Photocopy)
4.	Memo from Department of Finance Approving the Amendments to the Air Emission Fee Rules (Photocopy)
5.	Certificate of Authorizing Resolution to Hold a Rulemaking Hearing (Photocopy)
6.	Order for Hearing (Photocopy)
7.	Affidavit of Sending Notice of Proposed Rules to Chairs of House Appropriations and Senate Finance Committees, (Photocopy)
8.	Affidavit of Sending the Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules, (Photocopy)
9.	Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing, 16 State Register 2394-2402, (May 4, 1992) (Photocopy)
10.	Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing, (Mailed Notice) (Photocopy)
11.	Affidavit of Mailing the Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing, Notice of Intent to Cancel Hearing if Fewer Than

25 Persons Request a Hearing and Certificate of Mailing List (Photocopy)

12. Mailing List (Photocopy)

13. Affidavit of Discretionary Mailing the Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules with a Public if 25 or More Persons Request a Hearing, Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing (Photocopy)

14. Mailing List (Photocopy)

15. Comments Received During the Notice Period:

    1. Letter from Keith Turner, Environmental Engineer for Willamette Industries, Inc., May 19, 1992

    2. Letter from Herb Barge, Facilities Manager for ICI Fiberite, May 28, 1992

    3. Letter from Rebecca Flood, Regulatory Compliance Manager for the Metropolitan Waste Control Commission, May 29, 1992

    4. Letter from Doug Schrader, President, Iron Mining Association of Minnesota, June 3, 1992

    5. Letter from Sandra M. Broekema, P.E., June 2, 1992

    6. Letter from David N. Sauer, Regulatory Affairs Coordinator, Ashland Petroleum Company, June 2, 1992

    7. Letter from Matthew Schuerger, Director of Engineering, District Energy, June 2, 1992

    8. Letter from Richard H. Nau, Associate, BRW, June 3, 1992

    9. Letter from Bob Zelenka, Executive Director, Farmers Elevator Association of Minnesota, June 3, 1992

16. Findings of Fact, Conclusions and Order Adopting Rules (Photocopy)

17. Resolution Adopting Rules (Photocopy)

18. Certificate of Resolution Adopting Rules (Photocopy)

19. Declaration of Counsel

Minnesota Pollution Control Agency

Air Quality Division

Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Emergency Rules to Amend Air Pollution Permit Fees (*Minnesota Rules* Part 7002.0010 through 7002.0100)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing to propose emergency rules which will amend *Minnesota Rules* parts 7002.0010 through 7002.0100 and establish the annual permit fees to be paid the MPCA for implementing its air quality program. The MPCA's authority to adopt the emergency rules is set forth in *Minnesota Statutes* § 116.07, subd. 4d (1991), which requires the MPCA, by September 1, 1991, to establish annual permit fees to collect the funds needed to conduct its air quality program.

The MPCA requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comments orally or in writing. Written or oral statements relating specifically to the subject matter of the rule should be directed to Mark Strange at the address listed below.

Mr. Mark Strange
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55376

Oral comments will be accepted by Mr. Strange during regular business hours at the MPCA office or over the telephone at (612) 296-9711. General questions regarding the rulemaking process should be directed to Norma Florell at (612) 296-7712.

Written and oral comments will be accepted until June 21, 1991. Any written materials received by the MPCA in response to this notice will become a part of the rulemaking record generated in this matter.

Charles W. Williams
Commissioner

Minnesota Pollution Control Agency

Air Quality Division

Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Permanent Rule Governing Air Quality Permit Fees

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of permanent rules governing air quality permit fees. *Minnesota Rules* parts 7002.0010 through 7002.0100. The amendment of the rule is authorized by *Minnesota Statutes* § 116.07, subd. 4d (1991), which requires the MPCA to establish annual permit fees to collect the funds needed to conduct its air quality program.

The MPCA requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Mr. Mark Strange
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55376
Telephone: (612) 296-9711

Oral statements will be received during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until July 15, 1991. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is adopted.

Charles W. Williams
Commissioner

Pollution Control Agency

Proposed Permanent Rules Relating to Air Emission Permit Fees

Rules as Proposed

AIR ~~QUALITY~~ EMISSION PERMIT FEES

7001.0140 FINAL DETERMINATION.

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

Subp. 2. Agency findings. The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

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

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

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

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:

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

D. the permittee has failed to comply with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

7002.0005 SCOPE.

Parts 7002.0005 to 7002.0085 apply to all persons required to obtain an air emission permit or an indirect source permit from the Minnesota Pollution Control Agency under parts 7001.1200 to 7001.1350 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at

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Large, volume 104, pages 2399 et seq.

7002.0015 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 7002.0005 to 7002.0085, the terms defined in this part have the meanings given them. The definitions in parts 7001.0010, 7001.1260, and 7005.0010 to 7005.3060 apply unless the terms are defined in this part.

Subp. 2. Affected facility. "Affected facility" means any facility for which the owner or operator of the facility must obtain an air emission permit under parts 7001.1200 to 7001.1220 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq.

Subp. 3. Emission inventory. "Emission inventory" means the inventory of actual emissions required under part 7005.1875.

Subp. 4. Regulated pollutant. "Regulated pollutant" means the following:

A. Nitrogen oxides (NO_x) or any volatile organic compound.

B. Any pollutant for which a national ambient air quality standard has been promulgated, except carbon monoxide.

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. Calculation of fee. Operators of affected facilities shall pay an annual emission fee for each ton of a regulated pollutant emitted to the air by the facility. The fee shall be based on the actual emission tonnages as established in the most recent available emission inventory. The fees shall be $X for each ton of any regulated pollutant. The value of "X" is as determined in part 7002.0045.

Subp. 2. New facilities. New emission facilities that have been issued a permit, but have not yet been required to submit emissions data, shall pay a fee of $770.

Subp. 3. Estimated potential to emit. If an emission facility fails to submit actual emissions data as required by part 7005.1870, subpart 4, or 7005.1875, whichever is in effect

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when the inventory is due, the annual emission fee for that facility shall be based on the estimated potential-to-emit of that facility, as defined in part 7005.0100, subpart 35a.

7002.0035 AIR QUALITY ANNUAL FEE TARGET.

The annual fee target shall be set as described in items A, B, and C.

A. For fiscal year 1993, the unadjusted fee target shall be $5,093,000.

B. For fiscal year 1994 and thereafter, the unadjusted fee target shall be the greater of the following:

(1) the sum of:

(a) the amount directly appropriated to the Air Quality Division from the environmental fund for that fiscal year; and

(b) the Air Quality Division's portion of the appropriation from the environmental fund to the agency's general support program, as determined by using the indirect cost allocation plan approved by the Minnesota Department of Finance under Minnesota Statutes, section 16A.127, subdivision 4; or

(2) the amount calculated by multiplying $25 per ton, adjusted for inflation since 1989, times the number of tons of each regulated pollutant listed in the most recent available emission inventory. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described by the United States Environmental Protection Agency in rules adopted under title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399, et seq.

C. The amounts described in items A and B must be adjusted as follows:

(1) if the agency failed to collect its fee target the previous year, after making reasonable efforts to do so, the shortfall must be added to the next year's fee target;

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(2) if the agency collected more than its fee target the previous year, the excess must be subtracted from the next year's fee target; and

(3) for any year, the commissioner may increase the fee target by up to five percent to reflect the anticipated fee nonpayment rate. This increase must not be considered for purposes of calculating a deficit or surplus under subitems (1) and (2).

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "X" used in part 7002.0025 shall be computed as follows:

$$X = (F - I - P)/T$$

where:

X = Dollars per ton.

F = Total annual fee target, as determined in this part.

I = Total amount to be billed as indirect source permit fees for the previous calendar year, part 7002.0055.

P = Total amount to be billed as new permit fees for the previous calendar year, part 7002.0025, subpart 2.

T = Total number of tons of all regulated pollutants listed in the most recent annual emissions inventory.

7002.0055 INDIRECT SOURCE PERMIT FEES.

Subpart 1. Schedule. A person who applies for a permit to construct, modify, or reconstruct an indirect source as defined in part 7001.1260, subpart 5, shall be assessed fees according to the following schedule:

Basic charges	Fee
New permit application	$1,605
Permit modification application	$1,205
Surcharges	
Involves 5,000 or more parking spaces or 700,000 or more square feet	$2,005
Noise variance applied for	$3,265
On-site contamination affects facility	$800
Requires binding commitments for new roadway improvements	$1,205

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Requires involvement of more than one governmental unit or roadway authority	$400
Involves more than one applicant, except governmental coapplicants acting in regulatory capacity	$2,005
Permit application formally amended during application review process to change size of scope of project	$1,205
Contains an entertainment or sports facility with a peak attendance level of 10,000 or more people or 10,000 or more parking spaces	$1,605
Involves a change in ownership except from single owner to single owner	$1,205

Subp. 2. Fees nonrefundable. The fees in subpart 1 shall be determined by the division manager upon application for an indirect source permit, or when it becomes apparent that a surcharge shall apply. A bill for the amount due shall be sent after January 1 of the following calendar year. Fees paid under this part are nonrefundable, regardless of whether a permit is eventually issued.

7002.0065 PAYMENT OF FEES.

A person submitting the fee shall make it payable to the Minnesota Pollution Control Agency, and shall submit it to the division manager. The fee shall be paid within 60 days of receipt of an invoice from the division manager.

7002.0075 NOTIFICATION OF ERROR.

A person who thinks that the assessed fee is in error shall provide a written explanation of the person's position to the commissioner along with the assessed fee. The commissioner shall, within 60 days of the receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

7002.0085 LATE PAYMENT FEE.

An owner or operator of an affected facility shall pay a

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Air Emission Permit Fees

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapters 7002, 7005

INCORPORATIONS BY REFERENCE:

Part 7005.0100, subpart 10c: Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: AEROS Manual of Codes, EPA-450/2-76-005, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, April 1976.

Part 7005.0100, subpart 10d: AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA 450/4-90-003, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, March 1990.

The first document is available through the Minitex interlibrary loan system. The second document is available at the state law library through the Minitex interlibrary loan system.

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

late payment fee of 20 percent of the payment due for failure to make payment within 30 days of the payment due date, and shall pay an additional ten percent of the original payment due for each 30-day period or portion thereof that the payment is late.

7002.0095 EFFECTIVE DATE.

Parts 7002.0005 to 7002.0085 are effective July 1, 1992.

7005.0100 DEFINITIONS.

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

Subp. 9a. **Division manager.** "Division manager" means the division manager of the Air Quality Division of the Minnesota Pollution Control Agency.

[For text of subps 10 and 10b, see M.R.]

Subp. 10c. **EPA efficiency factor.** "EPA efficiency factor" means the control efficiency listed in the Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: AEROS Manual of Codes, EPA-450/2-76-005, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, April 1976, which is incorporated by reference and is available through the Minitex interlibrary loan system.

Subp. 10d. **EPA emission factor.** "EPA emission factor" means the emission factor listed in AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA 450/4-90-003, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, March 1990, which is incorporated by reference and is available at the state law library and through the Minitex interlibrary loan system.

[For text of subps 11 to 30, see M.R.]

Subp. 30a. **PM-10.** "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

[For text of subps 31 to 42c, see M.R.]

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

A. methane;

B. ethane;

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

D. trichlorotrifluoroethane (CFC-113);

E. methylene chloride;

F. trichlorofluoromethane (CFC-11);

G. dichlorodifluoromethane (CFC-12);

H. chlorodifluoromethane (CFC-22);

I. trifluoromethane (FC-23);

J. dichlorotetrafluoroethane (CFC-114);

K. chloropentafluoroethane (CFC-115);

L. dichlorotrifluoroethane (HCFC-129);

M. tetrafluoroethane (HFC-134a);

N. dichlorofluoroethane (HCFC-141b);

O. chlorodifluoroethane (HCFC-142b);

P. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

Q. pentafluoroethane (HFC-125);

R. 1,1,2,2-tetrafluoroethane (HFC-134);

S. 1,1,1-trifluoroethane (HFC-143a);

T. 1,1-difluoroethane (HFC-152a);

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

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

7005.1875 EMISSION INVENTORY.

Subpart 1. **Owners or operators.** All owners or operators of affected facilities, as defined in part 7002.0015, subpart 2,

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shall submit an annual emission inventory report to the agency, in a format specified by the commissioner, relating to carbon monoxide and all regulated pollutants as defined in part 7002.0015, subpart 4. The report shall be submitted on or before April 1 of the year following the year being reported. A person who signs the report shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that the data provided in this document will be used by the MPCA to calculate a fee, which the facility will be required to pay under Minnesota Rules, part 7002.0025, based on the tons of pollution emitted by the facility."

Subp. 2. Owner or operator error in reporting data. If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it occurred. If the commissioner agrees that the correction is appropriate, the commissioner shall correct the data in the inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner shall not recognize any correction submitted by an owner or operator which would result in a reduction of tons emitted if the correction is submitted after November 31 of the year the inventory is due.

7005.1876 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

Subpart 1. Method.

A. Except as provided in item B, all calculations of actual emissions required under part 7005.1875 shall be based on the operating data supplied in the emission inventory, multiplied by an emission factor. The emission factor used in this calculation shall be an EPA emission factor or, where no

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EPA emission factor is available, an emission factor generated by the agency. An emission factor generated by the agency shall be calculated using engineering methods consistent with the methods used by the EPA to calculate EPA emission factors. Control equipment efficiency shall be based on the average of the range of EPA efficiency factors or shall be based on the efficiency verified by a performance test conducted according to part 7005.1860, provided the performance test took place in the year for which emissions are being calculated.

B. The alternative method described in subpart 2 shall be used by the affected facility to calculate actual emissions in its emissions inventory instead of the method described in item A if data as described in subpart 2 is available for the facility. The alternative methods described in subparts 3, 4, and 5 may be used by the facility without advance notification to the division manager. The method described in subpart 6 may be used, provided that the proposal is submitted to the division manager by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall reject data submitted using the methods described in subparts 2 to 5 if the conditions set forth for the method are not fully met.

Subp. 2. **Continuous emission monitor (CEM) data.** If an affected facility has collected emissions data through use of a continuous emission monitor (CEM), the facility shall report that data to the agency in its emission inventory. The requirements in items A to C must be met.

A. The CEM operation must have been in compliance with all of the requirements of parts 7005.1850, 7005.1870, and 7005.1880; any other applicable state or federal laws pertaining to CEM operation; and all applicable air emission permit conditions.

B. The total operating time of the applicable emission unit and the total operating time of the CEM must be included in the report.

C. An explanation of how the emissions were

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calculated based on the CEM data must be included in the report. For CEM downtime, this calculation must apply EPA emission factors, stack test data as specified in subpart 3, a permit emission limit, or the method of reporting CEM downtime specified by the United States Environmental Protection Agency in rules adopted under section 412 of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104. This method may be used by any facility with a CEM, regardless of whether federal regulations require them to use it.

Subp. 3. Stack test data. Emission factors from stack tests may be used for the calculation of emissions, provided that the following conditions are met:

A. all the requirements of part 7005.1860, all other applicable state and federal laws, and all applicable air emission permit conditions relating to stack testing have been complied with; and

B. the test was performed during the calendar year for which the emissions are being calculated.

Subp. 4. Volatile organic compound (VOC) material balance. A material balance method may be used to calculate VOC emissions. A person using material balance to calculate VOC emissions shall determine the total VOC emissions (E) as follows:

$$E = (a - b - c) * (1 - d)$$

where:

a = the amount of VOC entering the process. A signed statement from the supplier separate from the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

b = the amount of VOC incorporated permanently into the product. This includes VOC's chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not

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emitted to the air.

d = the overall efficiency, or the product of capture efficiency and control efficiency, of any device used to capture and/or control VOC emissions, expressed as a decimal fraction of 1.00. This overall efficiency shall be based on the average of the range of EPA efficiency factors, or shall be based on the overall efficiency verified by a performance test conducted according to part 7005.1860, provided that the performance test took place in the year for which emissions are being calculated.

Subp. 5. SO_2 material balance. A person may determine sulfur dioxide emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using American Society of Testing and Materials (ASTM) methods. The sulfur dioxide emissions shall be determined by using the following equation: $SO_2 = \%S/100 \times F/2000 \times 2$.

where:

SO_2 = Sulfur dioxide emissions from a batch of fuel.

%S = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur in one pound-mole.

The total sulfur dioxide emissions for the year shall be the sum total of the individual batch totals.

Subp. 6. Facility proposal. If none of the alternative methods in subparts 2 to 5 would give an accurate representation of the facility's actual emissions, or none of the methods listed is technically or economically feasible, the affected facility may propose an alternative method for calculating the emissions. The proposal shall include:

A. an explanation of why none of the alternative methods in subparts 2 to 5 give an accurate representation of emissions, or why the methods are not technically or economically feasible;

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B. a detailed description of the proposed method; and

C. a comparison of the accuracy of the proposed method with the alternatives in subparts 2 to 5.

The proposal shall be submitted to the commissioner by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall accept the affected facility's proposal if the commissioner finds that the proposal is equally or more representative of the facility's emissions than alternatives in subparts 2 to 5, excluding the technically or economically infeasible alternatives. If the commissioner rejects the proposal, the commissioner shall do so by February 1 of the year the inventory is due.

REPEALER. Minnesota Rules, parts 7002.0010, 7002.0020, 7002.0030, 7002.0040, 7002.0050, 7002.0060, 7002.0070, 7002.0080, 7002.0090, 7002.0100, 7002.0110, and 7005.1870, subpart 4, are repealed.

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STATE OF MINNESOTA

POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing; Permits, Minn. Rules Parts 7001.0140 and 7001.0180; Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for The Emission Inventory, Minn. Rules Part 7005.1876.

STATEMENT OF NEED

AND REASONABLENESS

I. INTRODUCTION

The Minnesota Pollution Control Agency (MPCA) was first required to adopt rules to collect fees from regulated parties in 1985. The first air quality fee rules were designed to collect an amount appropriated by the legislature to cover the costs of reviewing and acting on permit applications, and to implement and enforce the conditions of air quality permits. These rules were amended in 1988 and 1990 to collect additional amounts that the legislature appropriated to the MPCA to be collected as fees in those fiscal years.

On November 15, 1990, President Bush signed into law the Clean Air Act Amendments of 1990, Public Law No. 101-549, amending 42 U.S.C. §§ 7401-7671q (1990 Amendments). Title V of the 1990 Amendments (Exhibit 1) requires each state to develop a permit program to implement the requirements of the Clean Air Act. Title V also requires states to establish fees to fund this permit program, with the total amount of the fees to be linked to the total amount of air pollutant emissions reported in the state. The fees are to be assessed annually, and are to fund all direct and indirect reasonable costs of the permit program, including review of permit applications; implementing and

enforcing air quality statutes, rules and permits; air monitoring; rulemaking; modeling; and emissions inventories. As a result, the portion of the air program to be funded by fee revenues has increased substantially.

The 1991 Minnesota legislature amended the MPCA's statutory fee authority to allow fees to be used not only for the items listed in the 1990 Amendments (listed above), but also for most other aspects of the MPCA air quality program, such as the noise program and the state acid deposition program. 1991 Minn. Laws ch. 254, Article 2, § 37, amending Minn. Stat. § 116.07, subd. 4d (Exhibit 2). The 1991 legislature substantially reduced general fund money for the air quality program for fiscal year 1992, and eliminated all general fund money for the air quality program for fiscal year 1993. It appropriated over $3,000,000 to be collected in air quality fees in fiscal year 1992, and over $5,000,000 to be collected in fiscal year 1993.

An emergency fee rule was passed by the the MPCA Citizen's Board on August 27, 1991, and became effective September 25, 1991. The 1991 legislature had required a rule to be in place by September 1, 1991, leaving insufficient time for the full rulemaking process. Minn. Stat. § 14.29, subd. 1 (1990) provides that "when an agency is directed by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28...the agency shall adopt emergency rules in accordance with sections 14.29 to 14.36." This emergency fee rule will ensure the collection of the appropriated fee amount for fiscal year 1992 only. The rule assesses fees based on the actual emissions reported in the 1990 emissions inventory.

The proposed permanent fee rule again bases fees on actual emissions for stationary sources; it contains a formula which may be used to calculate the dollar per ton figure each year, given the total fee appropriation and the

total number of tons in the inventory. The rule also includes a fee structure for indirect source permit fees. Changes to the emission inventory section of the rules (repeal Minn. Rules part 7005.1870, subp. 4, and add new parts 7005.1875 and 7005.1876) have been proposed to make the requirement to obtain an air emission permit from the state of Minnesota and the requirement to submit an emission inventory applicable to the same group of emission facilities, and also to explain alternatives for submitting emission inventory data. In addition four definitions have been added to part 7005.0100 that relate to the fee rule or the emission inventory.

A technical advisory committee was assembled to assist the MPCA staff in developing the proposed rule. The committee consisted of representatives of regulated industry, MPCA staff members, and representatives from the Minnesota Department of Commerce, the Minnesota Resource Recovery Association, the Association of Minnesota Counties, the Minnesota Office of Waste Management, and Project Environment Foundation. Four meetings were held between October and January of 1991 in which the proposed rule was discussed in detail. The input and comments of the committee were very helpful in the development of this rule.

II. STATEMENT OF THE MPCA'S STATUTORY AUTHORITY

The 1991 legislature amended Minn. Stat. § 116.07, subd. 4d, to require the MPCA's air quality program to collect annual fees to cover the majority of the costs of the air quality program. These fees are to be collected annually from all stationary air emission sources subject to the requirement to obtain a permit under Title V of the 1990 Amendments or under Minn. Stat. § 116.081 (1990). The MPCA's statutory authority to adopt this fee rule, except the indirect source permit provisions, is explicitly set forth in 1991 Minn. Laws ch. 254, art. 2, § 37 (to be codified as Minn. Stat. § 116.07, subd. 4d(c) and

(f)) (Exhibit 2) (hereinafter, the reader will be referred directly to the Minnesota Statutes section where these 1991 amendments will be codified).

The new fee authority provided in the 1991 legislation does not apply to fees imposed for Indirect Source Permits (ISP) (discussed further at Part IV, Statement of Reasonableness, "Part 7002.0055, Indirect Source Permit Fee"). In imposing the proposed service-based fees on ISP applicants, the MPCA is relying on its pre-existing authority found at what is now part (a) of Minn. Stat. § 116.07, subd. 4d (1990). This authority allows the MPCA to collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for MPCA permits and implementing and enforcing the conditions of the permits pursuant to MPCA rules. The MPCA's expansion of the emissions inventory requirements in parts 7005.1875 and 7005.1876 is founded upon the MPCA's authority to require air emitters to maintain records and make reports, set forth at Minn. Stat. § 116.07, subd. 9(b) (1990).

This rule also imposes a fixed fee on new facilities at part 7002.0025, subp. 2. The MPCA's authority to impose this new facility fee is found in both the new and the old fee authority, at Minn. Stat. § 116.07, and the old fee authority, at Minn. Stat. § 116.07, subd. 4d(a) and (c). This fee falls within the fee authority of subdivision 4d(a) because it is designed to cover the reasonable costs of reviewing and acting upon applications for MPCA permits and implementing and enforcing the conditions of the permits, as required by that section. It also falls within the fee authority of the new subdivision 4d(c) because it can be seen, in the case of new facilities, as the first of the annual fees required by the 1991 legislation.

III. STATEMENT OF NEED

Minn. Stat. §§ 14.131, 14.14, subd. 2, 14.23 and 14.26 (1990) require the MPCA to make an affirmative presentation of facts establishing the need for and reasonableness of the proposed rule. "Need" means that a problem exists which requires administrative attention, and "reasonableness" means that the solution proposed by the MPCA is appropriate. The need for the new fee rule is discussed below, and the reasonableness of the proposed rule is discussed in the following section.

The need for a rule of this type, imposing an annual fee on certain air pollution emitters, has already been determined by Congress, in its passage of the 1990 Clean Air Act Amendments, and by the Minnesota legislature, in its 1991 passage of amendments to Minn. Stat. § 116.07, subd. 4d. This part provides additional background information regarding the passage of those laws, their effect on the MPCA, and the extent to which the proposed rule is shaped by them.

Title V of the 1990 Clean Air Act Amendments requires each state to develop and submit to the U.S. Environmental Protection Agency (EPA) a new permit program by November 15, 1993. Public Law No. 101-549, amending 42 U.S.C. § 7661a(b) and (d) (Exhibit 1) (hereinafter, the reader will be referred directly to the provisions of the United States Code where the 1990 Amendments will be codified). To obtain federal approval, Minnesota will be required in its new permit program to take on new regulatory tasks, such as permitting additional categories of sources, regulating and inventorying many additional pollutants, responding more quickly to permit applications, making additional reports to EPA, and instituting a new small business assistance program. Title V specifies that the costs associated with the new permit program and related programs shall be recovered through annual fees assessed to the regulated

facilities. 42 U.S.C. § 7661a(b)(3)(A). In addition, Title V requires that the fees result in the collection of an aggregate amount of not less than $25 per ton of regulated pollutants emitted from regulated sources within the state (not including tons of pollutants in excess of 4000 emitted from a single source). 42 U.S.C. § 7661a(b)(3)(B)(i).

To facilitate Minnesota's development of the federally-required permit program and fees, and to reduce MPCA reliance on general fund appropriations, the 1991 Minnesota legislature adopted its amendments to Minn. Stat § 116.07, subd. 4d. At the same time, the legislature passed an appropriations bill that has the effect of systematically eliminating the state general fund appropriation to the Air Quality Division over the next two years. 1991 Minn. Laws, ch. 254, art. 2, § 2, subd. 3. The state general fund appropriation accounted for approximately 43 percent of the total Air Quality Division operating budget in fiscal year 1991, will account for approximately eight percent in fiscal year 1992, and will be entirely eliminated in fiscal year 1993. The 1991 legislation requires the MPCA to make up the lost funding through fee collections. Minn. Stat. § 116.07, subd. 4d(b). In particular, the state statute requires the MPCA to collect an annual fee from air emission sources which are required to obtain permits under state or federal law, and to apply the fee to the MPCA's air quality program costs. Minn. Stat. § 116.07, subd. 4d(b).

The state statute also requires that the fee result in the collection in the aggregate of certain minimum amounts. For fiscal years 1992 and 1993, the fee must collect the amounts appropriated by the legislature for the MPCA's air quality program. For fiscal year 1994 and thereafter, the statute parallels federal requirements by mandating that the MPCA's fee collect an aggregate amount of $25 per ton of regulated pollutant emitted by regulated sources in

the state, excluding tons of each pollutant over 4000 at a single source. Minn. Stat. § 116.07, subd. 4d(c).

In order to comply with the explicit requirements of both state and federal legislation, and to provide a substitute source of funding to replace the Air Quality Division's reduced general funding, MPCA needs to change its rules to collect an increased amount of money through annual fees.

IV. STATEMENT OF REASONABLENESS

The MPCA is required by Minn. Stat. ch. 14 (1990) to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. "Reasonableness" means that there is a rational basis for the MPCA's proposed action. The reasonableness of the proposed rule is discussed below.

A. Reasonableness of the Rules as a Whole

The MPCA proposes to replace existing Minn. Rules parts 7002.0010 to 7002.0110 with Minn. Rules parts 7002.0005 to 7002.0085, and also to repeal Minn. Rules part 7005.1870, subp. 4, and add new sections 7005.1875 and 7005.1876. The new fee rule will serve the purpose of raising additional revenue, and also (with the exception of indirect source permit fees) restructuring the system so that fees are paid based on air pollutant emissions, and not based on services from the MPCA as they have been in the past.

The MPCA assembled a Technical Advisory Committee (TAC) to assist it in the development of this rule. The committee was made up of representatives from industry, an environmental group, and other government agencies. Meetings were held on October 10, October 24, November 7, and January 9. The committee members reviewed various drafts of the rule as it evolved. All aspects of the rule were discussed, and many decisions were made based on the discussions in these meetings.

The issues of primary concern to the members of the TAC were the following: (1) whether a "cap" should be imposed on the emissions fee, so that a fee would not be charged for emissions over a certain amount, or a lesser fee would be charged; (2) whether the fee should be weighted based on the toxicity of the pollutant being emitted; (3) whether fees should be based on actual or potential emissions; (4) what means should be acceptable for measuring emissions to be reported in the emissions inventory; (5) whether a quarterly payment option should be available; and (6) what procedures there should be for resolving disputes with the MPCA over emissions or fees. Each of these issues, and the related considerations that shaped the MPCA's proposed rule, will be discussed in more detail in the policy discussion and section by section analysis below.

The "polluter pays" concept is central to the fee collection system in the 1991 amendments to Minn. Stat. § 116.07, subd. 4b. Although facilities will not be able to control the specific dollar per ton amount they will pay each year, they will have control over the amount of pollution they emit to the atmosphere, and thus have some control over their annual fee. The polluter pays concept may also provide a incentive for facilities to reduce air emissions.

No Emissions Cap

One of the most important issues considered by the MPCA in drafting this rule was whether or not the rule should include a "cap" on payments made by facilities whose emissions are over a certain level. This matter was discussed by the TAC and no consensus was ever reached. The MPCA ultimately decided, for the reasons discussed below, not to include a cap in the proposed rule.

As discussed earlier, both Title V of the 1990 Clean Air Act Amendments and the 1991 amendments to Minn. Stat. § 116.07, subd. 4d, require the MPCA to impose a fee that will result in the collection in the aggregate of a minimum amount: [1] $25 per ton of each of several regulated pollutants emitted in the state. However, in calculating that aggregate amount, the federal law allows, and the state law requires, the MPCA to ignore those emissions in excess of 4000 tons per year of each pollutant from a single source. 42 U.S.C. § 7661a(b)(3)(B)(iii), Minn. Stat. § 116.07, subd. 4d(c). As a result, the total amount that must be collected by these fees is substantially less than it would otherwise be.

While the federal and state laws mandate collection of a certain minimum amount, they leave to the discretion of the MPCA the decision of how to distribute the fee among various emitters, including whether or not a cap should be imposed on the fees paid by a given facility. Large emitters of air pollutants, in particular, Northern States Power (NSP) and Minnesota Power, expressed their opinion in the Technical Advisory Committee and elsewhere that the MPCA's rule should include such a cap. They noted that without a cap, utilities would be paying a large percentage of the fees collected by the Air Quality Division, but that these utilities do not demand a similarly large fraction of the Air Quality Division's regulatory attention.

In considering whether or not a cap should be incorporated into the rule, the MPCA staff analyzed four different emission cap scenarios. This analysis is set forth in Exhibit 3. The four scenarios are: 1) a 4000 ton

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1. The Clean Air Act Amendments do allow a state to collect less than the minimum amount if it can demonstrate that it can meet all program goals with less. 42 U.S.C. § 7661a(b)(3)(B)(iv). However, the state statute does not allow that option. Minn. Stat. § 116.07, subd. 4d(c).

cap, 2) a 10,000 ton cap, 3) half-charge for emissions over 4000 tons, and 4) no cap. The analysis makes the following assumptions:

1. The most current 1990 emission data was used. This data was not finalized when this scenario was prepared and is subject to change.
2. A fixed fee collection target of $6,000,000 is assumed for example.
3. The potential effects of new permit charges and indirect source permit charges on the total collection target are ignored.

The analysis shows the impact of the various scenarios on several example industries. In addition, four companies that would potentially benefit from a 4000 ton cap are studied specifically to determine what percentage of the total $6,000,000 target they would pay.

The analysis shows that the four companies listed would pay up to 58 percent of the fees collected by the MPCA if there were no cap, and would pay about 30 percent if there were a 4000 ton cap. NSP Company, the company for which the cap would have the greatest impact, would pay approximately 38 percent of the fees with no cap, and about 17 percent with a 4000 ton cap. The analysis also shows that with no cap the fee per ton of pollutant emitted would be $13.01, and with a 4000 ton cap it would be $25.01. An analysis similar to the one presented in Exhibit 3 was publicly reviewed by MPCA board members on two occasions: on June 25, 1991, when the emergency rule was under consideration, and at the Air Quality Board Committee meeting on December 16, 1991, in the context of the proposed permanent rule. At both of those meetings, representatives of NSP Company made their views known to the Board Committee members and MPCA staff. Minnesota Power and Light was also

represented at the December 16 committee meeting to support an emissions cap, and Virginia Public Utilities was represented to oppose a cap. The issue was also considered at three of the TAC meetings, where TAC members disputed whether or not a cap was appropriate. The MPCA recognizes that placing a cap on emissions would have certain advantages. Primarily, it would keep the percentage of revenues paid by the utilities closer to the percentage of MPCA time devoted to regulating them. In addition, a cap would decrease the secondary effect of the utilities' fee burden on on all consumers of power, including other businesses.

The MPCA believes, however, that it is more advantageous, and more consistent with legislative intent, not to have a cap in the rule. First, putting a cap into the rule would increase the fee per ton by approximately 90 percent. This increase would shift onto small emitters, who are typically smaller businesses, a much greater fee burden than they would otherwise pay. The MPCA is directed by Minn. Stat. § 14.115, subd. 2 (1990) to consider various options for reducing the burden of environmental regulation on small businesses. Not including a cap, and thereby keeping the dollar per ton rate lower, is consistent with this directive.

As the figures set forth in the MPCA's "Consideration of Economic Factors," section below (section VI) show, the increased fee paid by the large utilities appears to be a relatively small percentage of their total operating revenues (less than 0.5 percent in the case of NSP). The MPCA believes these utilities will be able to absorb this additional cost or pass it on to ratepayers without a significant change in rates. To the extent that ratepayers ultimately pay this fee, the MPCA considers that to be fair because all ratepayers benefit from the energy associated with the pollution on which the fee is based. There is no comparable assurance that smaller emitters could

easily bear or pass along the increase in the fee that would result if there were a cap, particularly since, unlike the utilities, most of the other sources face competition from companies in other states or countries who may not pay similar fees.

Not including a cap in the rule also acknowledges that an important goal of the rule is to correlate the fee to the impact an emitter has on the environment. This approach will create some incentive for emitters to limit their emissions. Putting a cap in the rule would have eliminated that incentive for the largest emitters. Moreover, the MPCA recognizes that the 4001st ton of a pollutant emitted by a facility has the same potential impact on the environment as the first ton emitted by that facility. Imposing the fee equally on those two tons is therefore appropriate.

The MPCA believes that its "no-cap" approach to the fee, focusing not just on the costs of regulation but on an emitter's impact on the environment, is consistent with the intent of the Minnesota legislature when it adopted the amendments to Minn. Stat. § 116.07, subd. 4d. On April 24, 1991, representatives from both Minnesota Power and NSP testified before the Environment and Natural Resources Division of the Senate Finance Committee during its consideration of the fee amendments. The NSP representative noted that NSP could end up paying from 23 percent to 36 percent of the MPCA's collected revenues under the proposed amendments. Senator Steven Morse, the Senate sponsor of the amendments, stated as follows:

> ...although NSP might end up paying a disproportionately large share for what it costs to regulate NSP, that's -- what that tells me is that NSP is also putting in a disproportionately large load of the contaminants into the environment. And there are two ways of looking at this: how much it costs to regulate NSP, and also how much

pollution is going up. And I think there ought to be some proportional relationship between how much pollution is going up the stack and how much someone pays for doing that.

By not incorporating a cap into the rule, the MPCA is proposing a fee that is more closely linked to an emitter's impact on the environment than on the costs of regulating that emitter. This approach reflects the intent of the legislature, as illustrated by the above comments by the sponsor of the legislation.

B. Reasonableness of the Rule by Section

The following discussion addresses the reasonableness of specific provisions of the proposed rule.

Part 7001.0140 FINAL DETERMINATION

Subpart 2. Agency Findings (Item 7)

and

Part 7001.-0180 Justification To Commence Revocation Without Reissuance Of Permit (Item D)

The changes to the permit revocation provisions of Minnesota Rules pts. 7001.0140 and 7001.0180 are needed and reasonable because they ensure that the MPCA's existing enforcement authority over air quality fees will apply to the new emissions fees.

Formerly, the MPCA had the authority to revoke a permit if the permittee had not paid air permit fees (and the MPCA still has this authority regarding other permit fees it assesses. By repealing the air quality permit fee provisions and referring to the fees proposed in this rule as "emission fees," the existing provision of parts 7001.0140 and 7001.0180 would arguably not apply. These changes ensure that the MPCA retains the ability to use its permit revocation authority if the emission fees are not paid. Because the

fees for many facilities will be much larger under the proposed rule than in the past, owners and operators may be less willing to pay them. It is therefore even more important for the MPCA to have effective enforcement tools to ensure compliance with the fee rule.

Part 7002.0005 SCOPE

This proposed rule section sets forth the scope and applicability of the air emission fee rules. This rule will apply to all facilities that are required to obtain an air emission permit or an indirect source permit from the state of Minnesota, plus any facility that is subject to the requirement to obtain a permit under Title V of the 1990 Clean Air Act Amendments. The sources that are subject to Title V will all eventually have to obtain a Minnesota air emission permit. This rule section is reasonable because Minn. Stat. § 116.07, subd. 4d(b) requires the MPCA to collect fees from all stationary sources, emission facilities, etc., subject to the cited state or federal permitting requirements.

Part 7002.0015 DEFINITIONS

This proposed section sets forth the definition of terms used within the rules. Definitions proposed that differ from terms defined in the previous fee rule or in another section of the rules are discussed below.

Subpart 2. Affected Facility

The intent of part 7002.0005 SCOPE is to make this rule applicable to any air emission facility that will be required to obtain an air emission permit from the state of Minnesota. Similarly, affected facility is defined to cover all those required to obtain an air emission permit, except those obtaining a permit solely under the indirect source provisions. This term is defined here to simplify the rest of the rule, and to avoid the need to amend

the rule in the event that the requirements to obtain an air emission permit eventually change.

Facilities obtaining indirect source permits are excluded from the definition of affected facility because these facilities are not required to pay an emission based fee. Therefore, the provisions of parts 7002..0025, 7002.0085, and 7005.1875 should not apply to them. Removing them from the definition of affected facility has this effect.

Subpart 3. Emission Inventory

This definition defines the inventory and refers the reader to the requirements given in new part 7005.1875.

Subpart 4. Regulated Pollutants

The calculation of the fee target amount, the fees due by a facility, and the information submitted in the emissions inventory all turn on the definition of "regulated pollutant." It is therefore reasonable to define that term.

The definition proposed includes nitrogen oxides, volatile organic compounds (VOC), and pollutants for which a National Ambient Air Quality Standard (NAAQS) has been promulgated (excluding carbon monoxide), consistent with the requirements of the 1991 amendments to Minn. Stat. § 116.07, subd. 4d(c) and 42 U.S.C. § 7661a(b)(3)(B)(ii). Pollutants for which a NAAQS has been promulgated are PM-10, sulfur dioxide, lead, and carbon monoxide. There is a NAAQS for nitrogen dioxide, but "oxides of nitrogen" are included in the fee base because of the fact that nitrogen oxide (NO) is emitted in addition to nitrogen dioxide from most combustion processes. It is appropriate to include both in the fee base because nitrogen oxide oxidizes to nitrogen dioxide in the atmosphere. The most current draft of EPA's rules for state permit programs

(40 CFR Part 70) which are meant to interpret the provisions of Title V of the 1990 Clean Air Act Amendments makes this distinction as well.

Not explicitly included in the definition of regulated pollutant are pollutants regulated under Section 111 and 112 of the Federal Clean Air Act. Most of the pollutants regulated under section 111 and 112 of the Clean Air Act are VOCs or particulates, and as such they are already included in the definition of regulated pollutants, however there are a few exceptions. The MPCA is planning to regulate these pollutants in its pending toxics rule, in which it will establish methods for measuring the emissions of those pollutants, and set up an inventory system for these pollutants, or utilize an existing inventory system. Until these methods are established, the MPCA has no way to reliably measure and record the emissions of Section 111 and 112 pollutants, and hence no way to charge a fee based on them. It is the MPCA's intention to amend this definition of regulated pollutant to include pollutants regulated under sections 111 and 112 of the Clean Air Act, and to include pollutants for which a state ambient air standard, but not a NAAQS, has been established, as part of the pending toxics rulemaking.

Part 7002.0025 ANNUAL EMISSION FEE RATES

Subpart 1. Annual Emissions Fee

Subpart 1 of this part requires owners and operators of affected facilities to pay an annual emission fee for each ton of pollutant emitted. This subpart describes the fee per ton in terms of "X," the calculation of which is explained in part 7002.0045, rather than in specific dollar amounts. Discussed further below, the value of X is determined by dividing the total amount of money that needs to be collected by the total number of tons in the emission inventory. A specific dollar per ton amount was not placed in the rule because if it had been, the total amount collected would vary every year

with the number of tons in the inventory, or else the dollar per ton amount would have to be changed in the rule each year to accommodate the current budget and to ensure compliance with the state and federally imposed minimum collection amounts. The approach taken here is reasonable because it eliminates the need for the division to enter rulemaking each year. This approach also establishes a fixed method of calculating the fee per ton, without leaving it up to the MPCA's discretion.

The fee will be based on each ton of regulated pollutant actually emitted from the facility during a given year, as determined by the most recent available emission inventory. In the case of the 1993 emission fee, the most recent available inventory will be the one covering 1991 emissions, due to be submitted to the MPCA on April 1, 1992. Because the changes to the emissions inventory proposed in this rule will not be effective by the April 1 deadline, facilities will be required to submit their inventories under the existing provision of part 7005.1870, subp. 4. As a result, the emissions fees for fiscal year 1993 will only be charged to those required to submit information under the existing inventory provisions. This excludes those facilities who have potential emissions of over 25 tons per year but who have actual emissions below 25 tons per year, and who therefore are not required to submit an inventory under existing law. The MPCA believes that this group as a whole emits relatively few tons per year, and that excluding them from the fee for fiscal year 1993 is reasonable given the administrative cost and difficulty of conducting a second inventory between the time this rule is effective and the time the fiscal year 1993 billings must be sent out.

Initially, MPCA staff planned to place the fee on potential emissions rather than actual emissions. Potential emissions, defined at Minn. Rules pt. 7005.0100, subp. 35a (1991), are essentially a facility's emissions if it were

running at its maximum allowable capacity all year long. MPCA staff preferred this approach to imposing the fee because it would be an easier system to administer and it would create an incentive for facilities to have their permits amended to eliminate unused potential emissions, which would aid the MPCA in air quality planning.

Many members of the TAC objected to charging the fee based on potential emissions because it does not accurately portray what a facility emits from year to year. The committee felt that if efforts were made to reduce emissions in a particular year, or if economic or weather factors reduced the amount of pollution from a particular facility for a given year, then the annual fee should reflect the change. The MPCA decided to base its fee on actual emissions instead of potential emissions in answer to these comments, and corresponding changes to the emission inventory portion of the rule have been made accordingly.

The fee per ton in the proposed rule does not vary with the toxicity of the pollutant. Earlier drafts of the rule imposed a charge on lead emissions that was fifty times higher than the charge imposed on the other pollutants. This weighting was arrived at by comparing the federal ambient air standards for lead versus the average of the standards for the other pollutants for which a NAAQS has been promulgated. By this comparison, lead was approximately 50 times more toxic than the other pollutants, and hence the MPCA proposed to charge it a fee that would be fifty times higher.

Many members of the TAC objected to imposing a weighted fee on lead at this time. Many other toxic pollutants, which are the subject of the upcoming MPCA toxics rulemaking, will ultimately be subject to this fee. They are not currently subject to the fee, as explained above, because their emissions cannot be accurately measured and inventoried until the MPCA

completes the toxics rulemaking. As part of that rulemaking, the MPCA intends to establish a ranking system assigning a relative toxicity to each pollutant. The MPCA intends to amend the fee rule at that time to add those pollutants, charging differential fees that will reflect the toxicity ranking system. The ranking system in the toxics rule is likely to be somewhat different than that relied on by staff to weight the lead fee. For these reasons, the MPCA has decided not to attempt to impose a differential fee on lead at this time. When the toxics rule is adopted, the fee for lead can be weighted along with the fees for all the other pollutants, using a consistent toxicity ranking method.

Subpart 2. New Facilities

Subpart 2 sets a fee for new air emission facilities that have been issued an air emission permit in the previous calendar year, but have not yet been required to submit an emission inventory. The TAC discussed a fee of this type because of the fact that there is a one year lag between the time pollutants are emitted and the time they are charged a fee (i.e. pollutants emitted in calendar year 1992 will be billed for in January of 1994).

The new facility fee was set by averaging the annual costs of permitting and enforcing the average facility. Since the permit cycle is five years, the costs of permitting and enforcement were accumulated for a five year period, and then the result was divided by five to get an annual average cost. The annual costs were determined by multiplying the average number of hours spent on each task related to permitting and enforcement by the average salary and benefit hourly cost related to that activity. The result was multiplied by a factor of 1.285 for indirect costs, which is the factor used by the MPCA for state fiscal year 1992. The factor for fiscal year 1993 is not yet available, but should be fairly consistent with the 1992 factor. The calculations are shown below. The permit numbers are based on federal fiscal year 1991, and the

times are based on state fiscal year 1991, but they are used together to estimate costs. The engineering time spent on permits and amendments could not be separated, so the estimate of average time spent on a permit will be conservative.

PERMIT STAFF

Actions: 134 permits + 116 amendments = 250 permit actions

Hours:

Permitting:	12,846 hours
Enforcement issues:	128 hours
Documentation:	3,545 hours
Record Keeping:	85 hours
Total:	16,604 hours

16,604 / 250 = 66.42 hours/permit action

Average permit engineer cost (including benefits):
$53,687/year / 52 weeks/year / 40 hours/week X 1.285 = $33.17/hour
66.42 hours X $33.17/hour = $2202.97

MANAGEMENT

Engineering Supervisor Cost (including benefits):
$60,866/year / 52 weeks/year / 40 hours/week X 1.285 = $37.60/hour
(assume one hour)

Section Manager Cost (including benefits):
$60,771/year / 52 weeks/year / 40 hours/week X 1.285 = $37.54/hour
(assume one hour)

Total Management Cost: $37.60 + $37.54 = $75.14

CLERICAL

Average Clerk Typist Cost (including benefits):
$27,590/year / 52 weeks/year / 40 hours/week X 1.285 = $17.05/hour
(assume eight hours)

8 hours X $17.05/hour = $136.36

ENFORCEMENT

Inspections: 468/year
Inspection hours: 5,180/year

5,180 / 468 = 11.07 hours/inspection

Average enforcement staff cost (including benefits):
$41,709/year / 52 weeks/year / 40 hours/week X 1.285 = $25.77/hour

11.07 hours X $25.77/hour = $285.24 ($1426.22 for 5 inspections)

TOTAL COST

5-year total (assuming one inspection/year):

Permit Staff:	$2202.97
Management:	$75.14
Clerical:	$136.36
Enforcement:	$1426.22
Total:	$3840.69

Annual total cost: $3840.69 / 5 = $768.14

Based on the above calculations, a fee of $770 has been set for new facilities to be billed the calendar year following their permit issuance.

Subpart 3. Use of Potential Emissions

Subpart 3 states that if an emission facility fails to submit actual emissions data as required by part 7005.1870 subpart 4 or 7005.1875, the emission fee for that facility will be based on the facility's potential-to-emit, which assumes continuous operation of the facility throughout the calendar year. This is reasonable because potential-to-emit will be the best data available to the MPCA in the absence of facility-supplied emission data. Moreover, because the potential-to-emit will always be somewhat greater than the actual emissions, it creates an incentive for facilities to supply their actual emissions data.

Part 7002.0035 AIR QUALITY ANNUAL FEE TARGET

The fee target part is included in this rule because the rule uses a formula for emission fees rather than specific dollar amounts, so we must give some indication of how we will set the targeted fee amount.

Fee Target for Fiscal Year 1993

Item A sets the fee target for fiscal year 1993 at $5,093,000. This

amount is reasonable because it reflects the requirements of Minn. Stat. § 116.07, subd. 4d(c)(1), which says that the MPCA's fee rule must result in the collection, for fiscal year 1993, of "the amount appropriated by the legislature from the air quality account in the environmental fund for the agency's air quality program." The law requires the MPCA to apply its revenues from those fees to "all direct and indirect" costs of the program. Minn. Stat. § 116.07, subd. 4d(b).

The legislature's direct appropriation to the MPCA's Air Quality Division from the environmental fund for fiscal year 1993 was $5,011,000. 1991 Minn. Laws, ch. 254, art. 1, § 2, subd. 1. The Air Quality Division's indirect costs for fiscal year 1993 are $156,000. This figure is arrived at by starting with the amount appropriated from the environment fund to the MPCA for General Support in fiscal year 1993, or $2,115,000. 1991 Minn. Laws, ch. 254, art. 1, § 2, subd. 7. The MPCA determines the Air Quality Division's share of these indirect costs by using the indirect cost allocation plan originally prepared for use in federal grant submissions, which has been approved by the EPA and the Minnesota Department of Finance under Minn. Stat. § 16A.127, subd. 4 (1990). From the sum of its direct and indirect appropriation, or $5,167,000, the MPCA has subtracted the amount paid to it by the Metropolitan Airport Commission to operate the state airport noise program. In fiscal year 1993, this amount will be $74,000. Hence, the MPCA's fee target for fiscal year 1993 is $5,093,000.

Fee Target for Fiscal Year 1994 and Thereafter

Part b. explains that the fee target for fiscal year 1994 and thereafter will be the larger of the following:

1. The legislative appropriation to the Air Quality Division (direct and indirect costs, minus any amount collected from the Metropolitan Airport Commission for the airport noise program); or
2. An amount calculated by multiplying $25/ton, in 1989 dollars, by the number of tons of regulated pollutants in the most recent emission inventory, using a maximum of 4000 tons of pollutant for any facility.

The purpose of this language is to satisfy the minimum criteria set forth in both the state and federal legislation. These laws require the fee rule to collect a minimum of $25 per ton (the federal law allows the state to collect a lesser amount if it can be proven that a lesser amount is adequate to fund the entire Title V permit program, but the state law does not allow that option). Minn. Stat. § 116.07, subd. 4d(c)(2) and 42 U.S.C. § 7661a(b)(3)(B)(i). This dual approach to setting the fee target is reasonable because it ensures that the minimum amount required by state and federal statute will be collected. However, it also gives the MPCA the opportunity to collect more than the $25/ton amount, if more is needed to finance the Air Quality Division's programs, by persuading the legislature that a higher appropriation is required. This flexibility is needed to ensure that the MPCA's Air Quality Division can collect enough to cover all its reasonable direct and indirect costs related to the listed activities, as required by state and federal law. Minn. Stat. § 116.07, subd. 4d(b) and 42 U.S.C. § 7661a(b)(3)(b)(i).

If the $25/ton calculation is used to calculate the fee target, it must first be adjusted for inflation since 1989. This adjustment is required by state and federal law. Minn. Stat. § 116.07, subd. 4d(d) and 42 U.S.C. § 7661a(b)(3)(B)(v). In its proposed rules implementing the provisions of Title

V of the Clean Air Act Amendments, EPA described in detail a means of adjusting the $25/ton figure by comparing the 1989 Consumer Price Index with the most recent one. The rule requires that the inflation adjustment made to the $25/ton figure be consistent with the rules EPA ultimately adopts on this point. This is reasonable because it ensures that the approach taken under this rule will comply with the approach the EPA will require as it reviews the rule for program approval. The rules adopted by the EPA will be consistent with the inflation adjustment required by state statute, because the state statutory provisions on inflation adjustment were modelled after the Federal Clean Air Act provisions under which EPA's rules will be adopted. Minn. Stat. § 116.07, subd. 4d(d) and 42 U.S.C § 7661a(b)(3)(B)(v).

Item C is reasonable and necessary because it is highly unlikely that the MPCA will be able to collect the exact amount of its fee target in any given year. A potential overcollection or more likely, undercollection, could be caused by many factors discussed more below. If the MPCA fails to collect its fee target in a given year, and is therefore unable to return to the air quality account in the environmental fund all that it has been appropriated, Item C(1) allows for the excess to be carried over and be subtracted from the next year's fee target. Item C(3) allows it to collect the shortfall the next year. Conversely if the MPCA collects more than its fee target, Item C(2) allows for the excess to be carried over and be subtracted from the next year's fee target. Item C(3) allows the Commissioner to build a "cushion" into its fee target, of no more than five percent, in recognition of the likelihood that it will not collect its full fee target each year.

The MPCA is primarily concerned about undercollection, considering it to be more likely than overcollection. One potential cause of undercollection would be mistakes in collecting emissions data, including mistakes made by

reporting facilities, by the MPCA, or by the MPCA's contractor. (While mistakes could as easily result in overcollection as in undercollection, the ones that would result in overcollection will be more consistently noticed by facilities and brought to the MPCA's attention). The MPCA hopes to minimize these mistakes through quality control measures and through certain amendments to the inventory requirements, discussed below, but some may still occur, particularly while the fee program is new. In addition, undercollection may result from nonpayment by certain emitters. While the MPCA intends to vigorously enforce the payment provisions, it would be unrealistic to expect 100% payment, particularly in times of economic recession when some emitters might file for bankruptcy protection. The bankruptcy of a single relatively large emitter could result in a significant undercollection of fees by the MPCA.

The five percent nonpayment rate is currently the MPCA's best-guess of likely nonpayment. It is based on nonpayment rates of air quality fees for fiscal years 89 and 90. The rule allows the Commissioner to build in a cushion that is less than five percent if future experience shows a better rate of payment.

The cushion provisions of Item C(3) result in a fee rule that will as closely as possible comply with the statutory requirement to adopt fee rules that will "result in the collection" of the target amount. Minn. Stat. § 116.07, subd. 4d(c). The flow-through provisions of parts c(1) ad c(2) ensure that if the MPCA inaccurately predicts the nonpayment rate, its undercollection or overcollection will be corrected the next year. These adjustments are necessary for the reasons discussed above. They are reasonable because they ensure that in the long run, the MPCA collects its established fee target, no less and no more.

Part 7002.0035 COMPUTATION OF THE DOLLAR PER TON FIGURE

This part explains how the dollar per ton figure will be calculated. The reasonableness of having a formula in the rule instead of specific dollar per ton amounts is discussed above under part 7002.0025 "ANNUAL EMISSION FEE RATES." The calculation starts with the fee target, as determined in part 7002.0035, subtracts the total amount to be billed as indirect source permit fees and new permit fees for the previous calendar year, and divides by the number of tons in the inventory. This approach is reasonable because the previous calendar year's permitting activities will be the most recent data available at the time of the billing.

Part 7002.0055 INDIRECT SOURCE PERMIT FEES

This part outlines charges for ISP fees. An indirect source, according to Minn. Rules part 7001.1260, subp. 5, is "a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a state standard." A person constructing such an indirect source is required by Minn. Rules part 7001.1270 (1991) to first obtain an ISP permit from the MPCA. For reasons explained below, related to statutory authority and administrative practicality, the ISP fee is not an annual emissions-based fee, but a one-time service-based fee.

The requirement that the MPCA impose an annual fee, set forth in the 1991 amendments to the state fee statute, does not apply to indirect sources. The statute requires that the MPCA impose annual fees on owners and operators of "all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities" subject to state or federal air permitting requirements. Minn. Stat. § 116.07, subd. 4d(b).

Indirect sources do not fall within this definition of sources subject to the annual fee, and therefore the MPCA is not relying on the 1991 legislation for its authority to impose ISP permit fees. Rather, the MPCA is relying on its pre-existing statutory authority at what is now part (a) of Minn. Stat. § 116.07, Subd. 4d (1990). This pre-existing authority allows the MPCA collect fees related to the costs of reviewing and acting upon permit applications, and implementing and enforcing the conditions of those permits.

In addition, it would be impractical to try to charge an annual emissions based fee to indirect sources. An ISP permit does not govern what the source actually emits, but instead relates to the emissions it attracts in the form of traffic, and such emissions are difficult to measure. Also, unlike other air quality permits which expire in five years, indirect source permits have no fixed expiration date. Charging a one-time service based fee is therefore more appropriate.

Three staff people work part-time on the ISP program. The percentage of their time they devote to ISP depends on the number and type of ISP applications received. Application rates vary tremendously from year to year. In calendar year 1990, 21 applications were received; in calendar year 1991, 11 applications were received. It is therefore very difficult to predict the number of ISP applications that will be submitted in upcoming years.

Under the circumstances, rather than determining program costs and dividing by predicted applications to establish the fee, the MPCA has analyzed the hours of staff time typically involved in reviewing ISP applications. Staff reviewed permit applications submitted over the past several years and determined that it took approximately 15 hours to process a "basic" ISP application, i.e., one that did not involve any of several complicating factors. They then reviewed more complicated permits in a variety of

categories, and determined how many additional hours were typically involved in processing those permits. [2] These numbers were then multiplied by the average ISP hourly staff costs, including benefits, and multiplied by the indirect cost factor, to come up with appropriate basic fees and, where complicating factors exist, appropriate surcharges. The calculations are given below. Fees were rounded to the nearest $5.

Average hourly ISP staff cost (including benefits):

$43,260/year / 52 weeks/year / 40 hours/week X 1.285 = $26.73

The noise variance cost (*) contains 45 hours of ISP staff time, and also an estimated 80 hours of Noise Unit staff time at $41,709/year X 1.285 or $25.77/hour.

ACTIVITY	HOURS	FEE
Basic charges:		
New permit application	60	$1605
Permit modification application	45	$1205
Surcharges:		
Involves 5000 or more parking spaces or 700,000 or more square fee	75	$2005
*Noise variance applied for	45 + 80	$3265
On-site contamination affects facility	30	$800
Requires binding commitments for new roadway improvements	45	$1205
Requires involvement of more than one governmental unit or roadway authority	15	$400
Involves more than one applicant (except governmental co-applicants acting in regulatory capacity)	75	$2005

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2. However, indirect sources may also be stationary sources if they emit their own pollutants in addition to attracting pollution in the form of traffic. To the extent they emit pollution directly, they may, of course, be subject to the requirements to obtain a permit for those emissions and to pay the emissions fees.

Permit application formally amended
during application review process
to change size or scope of project.....45.....$1205
Contains an entertainment or sports
facility with a peak attendance
level of 10,000 people or more, or
10,000 or more parking spaces.....60.....$1605
Involves a Change in ownership (except
from single owner to single owner).....45.....$1205

As noted above, the surcharges are designed to reflect the typical increase in staff time that results when various complicating factors are present in an ISP application. It is reasonable to charge these surcharges because it keeps the basic ISP fees relatively low, and allows the fee to be more closely tailored to reflect the actual staff attention demanded by an application. Set forth below are the reasons why additional staff time is required in each circumstance where a surcharge applies.

Involves 5000 or more parking spaces or 700,000 or more square feet. This surcharge is reasonable because applications for facilities of this size require more staff analysis. In addition, permits for facilities with 5000 new or additional parking spaces require staff to comply with certain public noticing provisions of Minn. Rules ch. 7001 (1991), from which smaller facilities are exempted. See Minn. Rules pt. 7001.0020, subp. J (1991). Additional staff time is required for tasks such as preparing and posting public notices, responding to citizen inquiries, analyzing the impact of the proposed source on additional intersections and on other indirect sources, determining the impact of the source on the area's NAAQS attainment status, and preparing unique special conditions for the permit.

Noise variance applied for. If an applicant applies for a variance from the noise standards of Minn. Rules ch. 7010 (1991), that variance will be reflected in the ISP permit. As a result, staff enforcing the noise rule and those reviewing ISP permits will be involved in reviewing the variance request,

preparing the necessary Board items and public notices, and adding noise provisions to the ISP permit.

On-site contamination affects facility. This surcharge would apply when the construction of the facility to be permitted would be complicated by the presence of ground contamination due to hazardous waste dumping, leaking underground storage tanks, etc. Pursuant to Minn. Rules 7001.1340 (1991), an ISP must include "conditions necessary for the permittee to achieve compliance with all applicable Minnesota or federal statutes or rules." Where ground contamination is present, construction of the indirect source could expose the contamination to the air and cause new air emissions. Such contamination could also cause other problems during or after construction, such as explosions and drinking water contamination. To minimize this possibility, ISPs will incorporate necessary construction or cleanup limitations suggested by other MPCA divisions more directly involved in overseeing cleanups, resulting in additional staff hours processing the ISP application.

Requires binding commitments for new roadway improvements. The primary goal of the ISP program is to ensure that roadways are adequate to handle the anticipated new traffic without air-polluting traffic jams. Sometimes, roadway improvements are necessary to achieve this goal. Under Minn. Rules pt. 7001.1340, subp. 1.A. (1991), ISPs may include a condition that source owners and operators obtain binding commitments to make roadway improvements from governmental authorities. When such commitments are involved, additional MPCA staff time is typically required to be involved in determining what improvements are needed and when, and to draft the appropriate permit conditions.

Requires involvement of more than one governmental unit or roadway authority. Occasionally, a project will require the involvement of more than

one governmental unit or roadway authority. For example, roadway changes may need to be made on a state highway as well as a county road to facilitate traffic flow to the source. These circumstances require additional staff time to process the permits, because compliance responsibilities must be allocated between the governmental units or roadways authorities, and the permits frequently require negotiations with the various authorities.

Involves more than one applicant (except governmental co-applicants acting in regulatory capacity). Where there is more than one applicant involved in the construction or operation of a source, the permit must determine which applicant is responsible for complying with which provisions. Additional staff time is required to appropriately draft the permit and to deal with the various applicants. This surcharge does not apply if the multiple co-applicants are governmental authorities acting in a regulatory capacity. In such a circumstance, the previous surcharge would apply.

Permit application formally amended during application review process to change size or scope of project. ISP applicants frequently amend their permit applications to change the size or scope of the project, after MPCA staff has analyzed the application. Staff must then devote additional time to reanalyze the permit based on different assumptions.

Contains an entertainment or sports facility with a peak attendance level of 10,000 people or more or 10,000 or more parking spaces. Indirect sources that will contain an entertainment or sports facility of this size require additional staff analysis because additional traffic arrangements are needed to handle the large and sudden traffic increases. In addition, such facilities result in greater public involvement and, therefore, additional staff time providing information to the public and responding to public comments.

Involves a change in ownership (except from single owner to single owner). Changes in ownership require a change in the permit. If that change is from a single owner to another single owner, the amendment is simple and no surcharge over the base modification fee is warranted. However, commonly, changes in ownership involve multiple owners, requiring additional staff time to determine which party is responsible for complying with given provisions of the permit, and to modify the permit accordingly. In these circumstances, a surcharge is reasonable.

ISP fees will be determined upon submission of the application to the MPCA, or when it becomes apparent that the surcharge applies (for example, when on-site contamination is discovered at the facility), and a bill for the applicable fees will be sent after January 1 of the following calendar year, at the same time that the air emission fees for stationary sources are sent. This approach is reasonable, because the goal of the fee is to cover staff time spent processing the application.

Part 7002.0065 PAYMENT OF FEES

This section states that the bills shall be submitted to the Division Manager, and shall be paid within 60 days of receipt of the bill. 60 days should be ample time in which to settle fee disputes, so late payment and non-payment of fees should be minimized.

There was some discussion in the TAC meetings of offering a quarterly payment option since the amount of the fees for most facilities has increased so dramatically. The problem in offering this option is one of timing between the emission inventory and state fiscal due dates. All of the money that the division must collect for a biennium is due to fiscal services on the last day of the state fiscal year, which is June 30. For instance, all of the money to be collected for the 1992-1993 biennium must be collected by June 30, 1993. If

we are using the most current emissions data possible, we will be using calendar year 1991 emissions data. Since the 1991 data is due on April 1, 1992, and the data takes approximately nine months to process, the earliest that the division could send the bills would be January 1, 1993. This leaves only five months until all of the money is due to fiscal services. Therefore, a quarterly payment option, or even a three payment option, is not feasible. Instead, the MPCA has decided to issue the bills before February 1 of each year, and give the emission facilities 60 days to pay with no penalty, giving ample time for facilities to pay the bill and settle all disputes.

Part 7002.0075 NOTIFICATION OF ERROR

This part gives the fee payer the opportunity to contest the fee. The fee payer must provide a written explanation of why the fee is incorrect. The Commissioner is, in turn, required to respond within 60 days of receipt of the explanation of why the fee is not in error, or return the overpayment. This is reasonable because it gives the fee payer an opportunity to object, and gives the MPCA reasonable time to respond.

The MPCA considered including in the rule a requirement that if disputes over the fee amount took longer than 60 days to resolve, and if an overpayment was ultimately returned to the fee payer, the MPCA would also pay interest on the disputed portion. This suggestion was made by several members of the TAC. Interest payments made by the state Department of Revenue upon return of refunds or overpayments were used as an example of a state agency paying interest to citizens. However, the Department of Revenue has explicit statutory authority to make such interest payments. Minn. Stat. § 270.76 (1990). The MPCA Air Quality Division does not have such authority, nor does it have a standing appropriation from which it is authorized to make such interest payments. The MPCA therefore believes it would be an illegal

commitment of inappropriate funds to agree to provide interest payments, and has not included them in this rule.

The TAC also requested that the MPCA refer in this portion to the appeal options available to a fee payer who disagrees with the Commissioner's decision under this part. The MPCA has chosen not to include such a reference here, because the procedural options available under such circumstances are the standard procedural rights available to citizens under existing laws (such as requesting that the issue be put on the MPCA Board agenda pursuant to Minn. Rules pt. 7000.0500, subp. 6, requesting a contested case hearing pursuant to Minn. Rules pt. 7000.1000, and seeking judicial review of final MPCA decisions pursuant to Minn. Stat. § 115.05 and ch. 14). To refer to these options explicitly here could create the presumption that they do not apply in situations where they are not specifically referenced.

Part 7002.0085 LATE PAYMENT FEE

The late payment fee here has not changed from the one in the previous Air Quality fee rule, and also is the same as in the Water Quality fee rule, part 7002.0290. This late payment fee provides an adequate incentive to pay fees on time without being unreasonable.

This fee is less harsh than the late payment fee that would be imposed by the EPA under federal law if the state did not obtain approval of its own fee program. Under the Clean Air Act, the federally-imposed fee would be fifty percent of the fee amount, plus interest. 42 U.S.C. § 7661a(b)(3)(C)(ii). The MPCA rejected the option of imposing a similarly high fee, because it would be harsher than the late payment fee imposed by other MPCA divisions, and because it does not appear that the EPA will be requiring state's to impose fees as high as they would impose. Moreover, the graduated

fee currently used by the MPCA provides a stronger incentive to pay the fee even after the payment date has passed.

Some members of the TAC considered the MPCA's proposed fee to be still too harsh, and suggested it should be only 10 percent of the fee amount. The MPCA has not accepted this suggestion. As is discussed above, it is important that the fees due under this rule be paid within the state fiscal year in which they are billed. Given the heightened importance of timely payment of this fee, it would be inappropriate to adopt a late payment fee that is less stringent that the one previously used by the Air Quality Division and the one currently used by the Water Quality Division.

Part 7005.1875 EMISSION INVENTORY

The existing emission inventory requirement of part 7005.1870, subpart 4, is being repealed, and this part has been added in its place. Currently, the emission inventory is only required of sources with actual emissions of over 25 tons per year of certain pollutants. Under the new rule, the inventory will be required every year of any facility that is required to obtain an air emission permit from the state of Minnesota. The general threshold for the requirement to obtain an air emission permit is potential emissions of over 25 tons per year. Minn. Rules pt. 7001.1210. Therefore, more facilities will be required to report their emissions to the MPCA than were previously required to.

This expansion in the scope of the inventory is needed and reasonable because the annual fees for all permittees will be based on tons of pollutants emitted as determined from the emission inventory. Because all persons required to obtain an emissions permit must pay a fee, this same class of persons must also report their emissions through this inventory.

Subpart 1 of part 7005.1875 requires owners and operators who submit data to sign a certification assuring that the data is accurate. The certification also acknowledges that the data will be used in assessing a fee per ton of pollution emitted. The first two sentences of the certification are based on existing certification language which the MPCA requires from all permit applicants in accordance with Minn. Rules Pt. 7001.0070. The third sentence, emphasizing that the data will be used for fee assessment, should ensure that facilities look closely at the emissions data they submit, and should eliminate the opportunity for any facility to belatedly claim that it submitted the data without knowing that it would be used to assess a fee. Given the heightened importance of the inventory data, the necessity for accuracy, and the financial incentive for facilities to underestimate their emissions, this certification language is both needed and reasonable.

Subpart 2, is written recognizing that sometimes persons submitting emission inventory data will discover a mistake in their calculation after the data has been submitted. This part allows, indeed requires, the owner or operator to submit corrected data to the MPCA with an explanation of the mistake. If the Commissioner agrees with the correction, the inventory shall be corrected. However, the MPCA cannot allow an endless stream of corrections to the inventory data as used in calculating the emissions fees, because the fee per ton is calculated by dividing the fee target by total tons of emissions in the state. Allowing a correction in total tons after a certain date would require the MPCA to recalculate the fee per ton charged statewide.

Therefore, this part states that the Commissioner will ignore, for purposes of assessing the emissions fee, changes submitted by the owner and operator after November 31 of the year when the data is due. This deadline is reasonable, because it gives the owner and operator several months after the

April 1 inventory due date to review its emissions data and report any mistakes. It also gives the MPCA a reasonable amount of time after that date to tally total emissions in the state and calculate the fee per ton for that fiscal year's billing, which would normally go out in February of the following year.

This language does not prevent the MPCA from charging additional emissions fees if it discovers that the emissions reported by a facility are too low. In such a situation, the MPCA would bill the facility for the newly-discovered emissions. It is reasonable to retain this ability, because otherwise facilities might be able to avoid paying their emissions fee by failing to provide inventory data by November 31. If the MPCA does discover unreported emissions, and collect fees for them, it could exceed its fee target for that year. However, any overcollection would flow through to the next fiscal year and result in a lower fee per ton then.

Part 7005.1876 CALCULATION OF ACTUAL EMISSIONS FOR THE EMISSION INVENTORY

This is a new part that has been added for the purpose of clarifying what type of actual emissions data will be acceptable in the emissions inventory. Since the new emissions fees will be based on the data, the methods of calculating the emissions takes on new importance, both to the MPCA and to the affected facilities. It is therefore reasonable to set out in detail the types of data which the MPCA will accept for the inventory, and the procedures for determining which method may or must be used.

Subpart 1. Emission Factors, and When Alternatives May Be Used

Subpart 1 explains that, in the absence of any additional emission data from the source beyond what is specifically required by the inventory, EPA emission factors will be used to calculate actual emissions, or state generated

emission factors will be used if no EPA emission factors are available. If the MPCA generates its own emission factors, that factor will be calculated using engineering methods consistent with the methods used by the EPA in calculating its emissions factors. In the past the MPCA has relied almost exclusively on emission factors in calculating emissions for its emissions inventory.

This approach is reasonable because for many facilities, there is no better alternative to calculating actual emissions. Reliance on EPA emission factors is reasonable because those factors have been calculated by the EPA for precisely this purpose, and they represent the best information available with which such calculations can be made. However, EPA emission factors are not available for all types of processes for which emissions must be calculated in the inventory. In these situations, MPCA staff will, as they currently do, apply their professional judgment on a case-by-case basis to calculate probable emissions. In calculating such emission factors, they will use methods which are as consistent as possible with the methods used by the EPA in calculating emissions. This approach promotes consistency between those factors calculated by the EPA and those calculated by the MPCA.

Control equipment efficiencies will be estimated using the average of the range of EPA efficiency factors. Alternatively, the facility may choose to use performance test data, provided that the test took place in the year for which the data is being reported. There has been some debate as to whether requiring testing every year is necessary. The MPCA plans to address the required frequency of emission and performance testing in amendments to Minn. Rules part 7005.1860. The MPCA plans to amend part 7005.1876, subparts 1 and 3 at this time also to be consistent with the required frequencies set forth in part 7005.1860.

The EPA emission factors used in the emission inventory system are published in a document entitled "AIRS (Aerometric Information Retrieval System) Facility Subsystem Source Classification Codes and Emission Factor Listing For Criteria Air Pollutants," EPA 450/4-90-003, Office of Air Quality Planning and Standards, Technical Support Division, March 1990. The control equipment efficiency factors are published in a document entitled "AEROS (Aerometric and Emissions Reporting System) Manual Series, Volume 5: AEROS Manual of Codes EPA-450/2-76-005, April 1976." These documents are incorporated by reference in part 7005.0100, where they availability is set forth.

This part also establishes the circumstances under which alternative calculation methods may or must be used. If a facility has Continuous Emission Monitoring (CEM) data available, either because it is required by other law or because they have voluntarily chosen to install CEMs, that data shall be provided to the MPCA with the emissions inventory. The other alternatives discussed below are available at the facility's option. The MPCA may reject the alternatives if the conditions for using them set forth in each subpart have not been met. It is reasonable to provide these alternatives, because when they are appropriately used, they represent equally accurate or more accurate means of calculating actual emissions.

Subparts 2 through 6. Alternative Calculation Methods

Subpart 2 discusses the use of CEM data. CEM installation is required by air emission permits in certain instances, and this data may be used for the emission inventory, provided that all applicable state and federal rules and regulations have been followed, and that permit conditions are met. In addition, the facility must identify when the CEM was operating, and must show how emissions were calculated when the CEM was not operating, i.e., during

"CEM down time." Several options for calculating emissions during down time are provided. One such option is the method that certain facilities will be required to use by EPA regulations to be promulgated under section 412 of the Clean Air Act. 42 U.S.C. § 7651k. This federal method may be used for any facility with a CEM, not just those governed by section 412 of the Clean Air Act.

It is reasonable to provide options for calculating emissions during CEM down times, because CEMs are often unable to operate continuously throughout the year due to equipment failure. It is reasonable to allow facilities to use the federally mandated option identified in the rule in order to prevent some facilities from having to calculate these emissions in two different ways.

Subpart 3 states that a facility may use stack test results in lieu of EPA or MPCA emission factors provided that the test was performed in accordance with part 7005.1860, the test was performed in the same calendar year for which the data is being submitted, and the test reflects a worst-case operating scenario. It is reasonable to provide this option because properly conducted stack test data more accurately represents actual emissions than calculations using emissions factors.

Subparts 4 and 5 outline methods for calculating emissions using the material balance methods for VOCs and sulfur dioxide. The VOC material balance method involves measuring all of the raw material entering the process, and subtracting what can be accounted for coming out. The method assumes that the unaccounted for VOCs are emitted into the air, except to the extent they are captured by control equipment. Pollution control devices are assigned efficiencies published by the EPA, or can be verified by performance tests conducted according to MPCA requirements.

The SO2 material balance method assumes that all the sulfur in the fuel being consumed combines with oxygen to form SO2. The sulfur content of the fuel must be measured by independent laboratories using standard methods. The calculation for determining emissions is set forth in the rule, and simply computes the total weight of sulfur in the fuel, and assumes that each pound of sulfur forms two pounds of sulfur dioxide, because the molecular weight of sulfur dioxide is approximately double the molecular weight of sulfur.

It is reasonable to allow facilities the material balance options, because there may be situations when they provide a more accurate estimate of emissions than EPA emission factors do. Since each ton of pollutant that cannot be directly accounted for is assumed to be emitted to the air, the estimates will be conservative from the MPCA's standpoint.

Subpart 6 was added at the request of the TAC. It states that if none of the other options provided in the other subparts gives an accurate representation of emissions or is technically or economically feasible, then the facility may submit its own proposal. The proposal will have to be submitted to the MPCA no later than October 1 of the year for which the emissions are being calculated. This option will not be available to facilities until the year 1993, due to technical and staffing constraints.

It is reasonable to allow facilities this option, because there may indeed be more accurate, cheaper, easier to use methods of calculating emissions from certain facilities than those set forth in the rule. By allowing this option, the MPCA encourages innovative ways of measuring emissions, provides maximum flexibility to the regulated community, and can reduce the burden of emissions calculations on facilities by allowing them to use less expensive and easier methods. Requiring advance approval of the method, and requiring a detailed explanation of why the alternative method

should be allowed, ensures that only reliable methods are accepted. The MPCA cannot allow this option to be used until October of 1993, because it anticipates that many facilities will want to make proposals, and that reviewing those proposals will be very labor intensive. The MPCA does not expect to have staff available to review the proposals until that time.

This new emission inventory part is reasonable because it provides facilities with the flexibility to provide emission estimates based on various methods, and at the same time provides acceptance criteria so that the MPCA can be assured that the data is a good yet conservative estimate of actual emissions.

Part 7005.0100 DEFINITIONS

Four new definitions are included here that are used in the fee rule or the emission inventory rule, and may be used elsewhere in the future.

Subpart 9a defines "Division Manager" as the Division Manager of the Air Quality Division of the Minnesota Pollution Control Agency. This definition is given to save space in the rules, and also because this title has changed twice in the recent past. Previously, the Division Manager was the "Division Chief," and before that was referred to as the "Division Director."

Subpart 10c. defines "EPA efficiency factor" to mean the control equipment efficiency factors published in the AEROS Manual Series, Volume 5: AEROS Manual of Codes, EPA-450/2-76-005. The average range of these factors will be used in estimating control equipment efficiency and capture efficiency for various types of air pollution control equipment. The document cited is incorporated by reference, with its availability noted pursuant to the requirements of Minn. Stat. § 14.07, subd. 4 (1990).

Subpart 10d. defines "EPA emission factor" to mean the factors published in the AIRS Facility Subsystem Source Classification Codes and

Emission Factor Listing for Criteria Air Pollutants, EPA 450/4-90-003. These are the factors that are used in the emission inventory and are thus used indirectly in the calculation of fees. These factors are typically used to calculate emissions from process data such as type and amount of fuel used, or material produced or processed. This document is incorporated by reference as required by law. (30 A.) I think they miss cited

Subpart 39a. defines "PM-10" as particulate matter with an aerodynamic particle diameter less than 10 micrometers. The MPCA is basing fees on PM-10 rather than on total suspended particulate matter (TSP) as has been done in the past, because EPA has modified the ambient air standard for particulates to relate only to those particles of less than 10 micrometers in diameter. State and federal law requires the MPCA to collect fees based on aggregate emissions of all pollutants for which a NAAQS has been established. Minn. Stat. § 116.07, subd. 4d(c) and 42 U.S.C § 7661a(b)(3)(B)(ii). Since the NAAQS now applies to PM-10, so must the fee and the emissions inventory, so a definition of it is needed here.

Subpart 45 defines "volatile organic compound" (VOC) to be any compound which participates in atmospheric photochemical reactions, or in the creation of smog. VOCs are included in the fee rule, and in the emissions inventory, because state and federal statutes require that the aggregate fee collection amount reflect total VOC emissions. Minn. Stat. § 116.07, subd. 4d(c) and 42 U.S.C § 7661a(b)(3)(B)(ii). VOCs are included in the statutes because they contribute to violations of the ozone NAAQS. However, several VOCs have been determined by EPA to be non-reactive; that is, they do not participate in the photochemical reactions which contribute to the ozone problem. The EPA does not consider these pollutants to be VOCs for regulatory purposes, so they have been excluded from the MPCA's definition as well.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1990) requires the MPCA when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

a) the establishment of less stringent compliance or reporting requirements for small businesses;

b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

c) the consolidation or simplification of compliance or reporting requirements for small businesses;

d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

e) the exemption of small businesses from any or all requirements of the rule.

The proposed rules may affect small businesses as defined in Minn. Stat. § 14.115 (1990). As a result, the MPCA has considered the methods listed above for reducing the impact of the rule on small businesses.

The requirement to collect additional fees to fund the air quality program has been mandated by the legislature, and it is the legislature that will ultimately set the air quality fee appropriation each biennium. Thus, the MPCA does not have the flexibility to adjust the total amount of fees to be collected. The MPCA does, however, have the flexibility to determine how these fees will be distributed. In making decisions concerning the distribution of the fees, the MPCA has focused on small business concerns.

The rule establishes emission fees directly proportional to air emissions. Since most small businesses are minor sources of air pollution, the fees they will pay will be considerably less than the fees for larger

industries. In response to item a) above, a lesser fee for small businesses is in effect a "less stringent compliance requirement." Previously, a large portion of the Air Quality Division's fees were based on services performed, so the fees imposed on small businesses and large businesses were fairly similar.

A 4000 ton cap on the number of tons of a single pollutant considered for fee purposes was considered in the development of this rule. The MPCA considered employing such a cap to limit the fees paid by the largest emitters. However, this cap would shift a large amount of the fee burden from the larger industries onto the smaller businesses. Partially in consideration of small businesses, this cap has not been included in the proposed rules. The issue of an emission cap is discussed in more detail in Section VI, "Consideration of Economic Factors," and an analysis of this issue is included as Exhibit 3.

In response to item b) above, a less stringent schedule or deadline for fee payment for small businesses is not possible because it would make the MPCA unable to meet its biennial revenue requirement. As discussed earlier, all funds for any particular fiscal year must be received by June 30.

Item c) has been addressed, not only for small businesses but for all fee payers, in that there is only one annual fee that must be paid, and it is directly linked to a facility's actual emissions. In the past, the MPCA has had a three-part fee system, where a facility would pay a permit application fee, the facility would pay a service-based permit issuance fee, and would also be required to pay an annual fee based on the permitted allowable emissions from the facility. The system proposed is much simpler to understand for the regulated community, and is also simpler to administer for the MPCA.

The establishment of performance standards to replace design or operational standards suggested in item d) do not apply to the emission fee rule.

In response to item e), since the emission fee rule applies only to facilities that are required to obtain an air emission permit, facilities that have potential emissions of less than 25 tons per year that are exempt from the requirement to obtain a permit are also exempt from the fee rule requirements. It is important that the sources that require the attention of the MPCA continue to pay fees to support the program.

VI. CONSIDERATION OF ECONOMIC FACTORS

In exercising its powers, the MPCA is required by Minn. Stat. § 116.07, subd. 6 (1990) to give due consideration to economic factors. The statute provides:

> In exercising all its powers the MPCA shall give due consideration to the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom, and reasonable, feasible, and practical under the circumstances.

In proposing the rules, the MPCA has given due consideration to available information as to any economic impacts the proposed rules would have. The MPCA will collect annual emission fees from approximately 1000 emission facilities each year. Since the appropriation from the state general fund has been eliminated beginning in fiscal year 1993, the fee burden has necessarily increased dramatically. The targeted amount to be collected in fees for fiscal year 1991 was $646,600, for fiscal year 1992 is $3,389,000, and for fiscal year 1993 it will be $5,093,000, so over two fiscal years there has been approximately a 700 percent increase in the amount to be collected in fees. While the MPCA has the authority to distribute the fees among Minnesota

industries as it sees fit, it does not have the option of reducing the total fee burden, which has been required by the legislature, as mentioned in the previous section.

In deciding how the fee burden should be distributed, consideration was given to capping the amount of emissions that are considered for fee purposes from a single emission facility for each pollutant. This consideration has been discussed above in sections IV and V above, and an analysis of four different emission cap scenarios is attached as Exhibit 3. The four different scenarios considered are:

1. a 4000 ton cap,
2. a 10,000 ton cap,
3. half-charge for emissions over 4000 tons, and
4. no cap.

The analysis makes the following assumptions:

1. The most current 1990 emission data was used. This data was not finalized when this scenario was prepared and is subject to change.
2. A fixed fee collection target of $6,000,000 is assumed for example.
3. The potential effects of new permit charges and indirect source permit charges on the total collection target are ignored.

This analysis shows that for this set of assumptions, the dollar per ton figure varies between $13.01 with no emission cap and $25.01 for a 4000 ton cap. Ten example facilities are listed to demonstrate the potential effects of the various emission caps. There were four companies found in the inventory that would pay a lesser fee with a 4000 ton emission cap than with no cap, and these four facilities have all been included in this analysis. The four facilities for which a 4000 ton cap would be advantageous would see an average fee decrease of 45 percent with a 4000 ton cap, while the remaining six

facilities would see an average increase of 78 percent. The two other cap scenarios provide intermediate alternatives.

Fees that would be paid under this scenario were compared to 1990 operating revenues for two utility companies, NSP and Virginia Public Utilities. The utilities were chosen because their operating revenues are readily available, and because the results show the impact of the rule on both a large and a smaller utility. The 1990 operating revenues for NSP, obtained from the Minnesota Department of Public Service, were $1,441,149,000, and the 1990 operating revenues for Virginia Public Utilities were $10,341,700. The results are presented in the table below.

FACILITY	FEE WITH NO CAP/ % OF REVENUES	FEE WITH A 4000 TON CAP/ % OF REVENUES
NSP	$2,299,988 / 0.16%	$1,046,322 / 0.07%
Virginia Pub. Util.	$93,129 / 0.90%	$ 128,379 / 1.24%

In light of this information, the MPCA has drafted the rule with no emission cap. As mentioned in the "Reasonableness of the Rules as a Whole," section IV.A., the MPCA believes that the large utilities of the state will be able to absorb the cost of the additional fee or pass it on to the ratepayers, and that smaller companies that face competition from other states and countries that may not pay similar fees may have a more difficult time absorbing the increase. The MPCA also feels that it is more consistent with legislative intent not to have an emission cap in the rule, as mentioned earlier.

VII. IMPACT ON AGRICULTURAL LANDS

The MPCA is required by Minn. Stat. § 14.11, subd. 2 (1990) to consider the impacts of the proposed rules on agricultural lands. The statute provides:

If the MPCA proposing the adoption of the rule determines that the rules may have a direct and substantial adverse impact in agricultural land in the state, the MPCA shall comply with the requirements of sections 17.80 to 17.84.

The MPCA believes that the proposed rules will not have any impact on agricultural lands because the rules do not affect agricultural enterprises.

VIII. IMPACT ON LOCAL PUBLIC BODIES

Minn. Stat. § 14.11, subd. 1 (1990) provides that if the adoption of a rule by MPCA will require the expenditure of public money by local bodies, the notice published by the MPCA must contain a written statement giving the MPCA's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated cost exceeds $100,000 in either of the two years. "Local public bodies" means officers and governing bodies of political subdivisions of the state and other officers and governing bodies of less than statewide jurisdiction which have the authority to levy taxes.

This rule will become effective in fiscal year 1993. For that year, the expenditures for local public bodies are fairly easy to estimate. Although the fiscal year 1993 fees will be based on calendar 1991 emissions, we can use 1990 emissions data, for which we have an early estimate, as an indicator of what the 1991 emissions may be. Since the fee collection target is fixed, a dollar per ton figure can be estimated by dividing the fee target by the total tons. From this dollar per ton figure, we must then find the total tons of pollutants from the local public bodies and multiply the two numbers together to get the total expenditures. For fiscal year 1994, we not only do not have an indication of the total tons in the inventory, but we also do not know what the fee collection target will be, making it impossible to estimate the total fees

assessed. We will have to rely on the number for fiscal year 1993 as an indicator, keeping in mind that the Air Quality budget needs may increase in fiscal year 1994.

An early estimate of the total emissions in the 1990 emission inventory for the pollutants to which the fee rule applies (PM-10, SO2, NOx, VOC and lead), is 461,303 total tons. Assuming a fee collection target for fiscal year 1993 of $5,167,000, the dollar per ton figure would be $11.20 per ton. The total fee pollutants emitted by local public facilities has been estimated to be 15,950 tons, making the total expenditures for local public bodies in fiscal year 1993 approximately $178,640.

IX. CONCLUSION

Based on the foregoing arguments, the proposed Minn. Rules pts. 7002.0005 to 7002.0085, 7005.1875, 7005.1876, and the proposed amendments to part 7005.0100 are both needed and reasonable.

X. LIST OF WITNESSES AND EXHIBITS

A. Witnesses

In support of the need and reasonableness of the proposed rules, the following witnesses will testify at any hearing that may take place in regard to these proposed rules:

1. Mark Strange: Mr. Strange will testify on the general need for and reasonableness of the proposed rules.
2. Ann Foss: Ms. Foss will testify on the need for and reasonableness of the proposed rules as they pertain to the emission inventory; specifically, proposed parts 7005.1875 and 7005.1876.

3. Susanne Spitzer: Ms. Spitzer will testify on the need for and reasonableness of the proposed indirect source permit fees as set forth in proposed part 7002.0055.

4. Bob McCarron: Mr. McCarron will testify on the economic analysis the MPCA studied using three scenarios: no emission cap, a 4000 ton per pollutant per facility cap, and a similar 10,000 ton cap.

The MPCA has not solicited witnesses from outside the MPCA to testify in support of the proposed rules.

B. Exhibits

Exhibit No.	Document
1	Title V of the 1990 Clean Air Act Amendments.
2	1991 Minn. Laws ch. 254, Article 2, § 37, amending Minn. Stat. § 116.07, subd. 4d., requiring the MPCA to amend the air quality fee rules.
3	Analysis of the financial impact of various emission cap scenarios.
4	Approval of the proposed fee schedule by the Commissioner of the Minnesota Department of Finance.

Dated: March 24, 1992

CHARLES W. WILLIAMS
Commissioner

STATE OF MINNESOTA

Office Memorandum

Department: of Finance

Date: March 18, 1992

To: Charles W. Williams, Commissioner
Pollution Control Agency

From: Bruce J. Reddemann, Director 3/12
Budget Operations

Phone: 296-5188

Subject: Approval of Amendments to PCA's Air Fee Rules

Approval is hereby granted for the amendments to PCA's Air Fee rules dated march 10, 1992.

I have reviewed the proposed amendments to the Air Quality Annual Fee Target, specifically (7002.0035), as received on March 11, 1991. The proposed changes will require your agency to adjust the fee target for each succeeding year by either adding the shortfall or subtracting the excess from the previous year. This approach appears to be consistent with our over all policy for setting fees to recover costs.

I further understand that the proposal authorizes your agency to increase the fee by up to 5 percent over the targeted amount anticipating a fee collection of less than 100 percent of the amount billed. If this results in over collection, the excess would be factored into the next year's target amount.

My understanding is that the target amount is currently the amount appropriated, and includes indirect cost. Next biennium, the target will be based on an amount that can be generated from charging $25 per ton on pollutant emissions adjusted for the Consumer Price index.

In the future, please submit the necessary fee review forms as required by StateWide Accounting Operating Policy and Procedure # 06:03:17 at the same time that proposed rules are submitted to the Department of Finance. This will expedite the review process.

cc: Doug Watnemo
Glenn Olson
John Seltz
Norma Florell
John Retzer

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155

Facsimile Transmittal Sheet

To: Bruce Reddemann

Company or Agency: Dept of Finance - Budget Operations

Facsimile Number: 296 8685

Subject: Proposed changes to Air Fee Rule

From: John Seltz - DAQ

Company or Agency: MPCA

Telephone Number: 296-7801

Facsimile Number: (612) 297-1456

Date: 3/11/92

Pages to Follow: 3
(Please Number ALL Pages)

If you have questions regarding this transmittal, please call: (612) 6-7801

These are changes we are planning to make to the fee rule you approved 2/18. Please let me know if you have concerns or need to see the revised rule. Note especially the change to 7002.0035.

24

03/11/92 12:18 MN POLLUTION CONTROL AGENCY 001

3/10/92
SUGGESTED AMENDMENTS TO RULE

1. AMENDMENT TO ENSURE THAT WE CAN REVOKE PERMITS IF FACILITIES DON'T PAY EMISSION FEE:

7001.0140 FINAL DETERMINATION
Subp. 2. **Agency Findings.** The fcllowing findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:
...

F. that with respect to the facility to be permitted, the proposed permittee has not complied with any requirement under chapter 7002 or 7046 to pay permit or emission fees; ...

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.
The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:
...

D. the permittee has failed to comply with any requirement under chapter 7002 or 7046 to pay permit or emission fees; ...

2. RELYING ON THE EXISTING INVENTORY THIS YEAR, BUT ALLOWING BROADER OPTIONS.

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. Calculation of fee. Operators of affected facilities shall pay an annual fee for each ton of a regulated pollutant emitted to the air by the facility. The fee shall be based on actual emission tonnages as established in the most recent available emission inventory. The fees shall be $X for each ton of any regulated pollutant. The value of "X" is as determined in part 7002.0045.

...

Subp. 3. If an emission facility fails to submit actual emissions data as required by part 7005.1870, subp.4 or part 7005.1875, whichever applies, the annual emission fee for that facility shall be based on the estimated

potential-to-emit of that facility, as defined in part 7005.0100, subpart 35a.

Subp. 4. The 1993 fiscal year fees shall be based on 1991 emissions information submitted under the inventory provisions of part 7005.1870, subpart 4. However, owners and operators may submit data using the alternate calculation methods provided in part 7005.1876, subparts 1 through 5.

3. FLOW-THROUGH PROVISION AND CUSHION

7002.0035 AIR QUALITY ANNUAL FEE TARGET

The annual fee target shall be set as described in items A, B and C.

C. Notwithstanding paragraphs A and B, the fee target ~~may~~ shall be adjusted as follows:

(1) if the agency failed to collect its fee target the previous year, after making reasonable efforts to do so, the shortfall shall be added to next year's fee target;

(2) if the agency collected more than its fee target the previous year, the excess shall be subtracted from the next year's fee target; and

(3) the agency may increase its fee target by up to five percent to reflect its anticipated fee collection rate.

4. BASING THE FEE ON EMISSIONS "AS REPORTED"

7005.1875 EMISSION INVENTORY

Subpart 1. All owners or operators ...[existing language] ... A person who signs the report shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that the data provided in this document will be used by the MPCA in calculating a fee per ton of pollution emitted which

the facility will be required to pay under Minnesota Rules part 7002.0025."

Subp. 2. If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it occurred. If the Commissioner agrees that the correction is appropriate, the Commissioner shall correct the data in the inventory. However, for purposes of assessing the emission fee under part 7002.0025, the Commissioner shall not recognize any correction submitted by an owner or operator which would result in a reduction of tons emitted if the correction is submitted after November 31 of the year the inventory is due.

CERTIFICATE OF MINNESOTA POLLUTION CONTROL AGENCY'S AUTHORIZATION RESOLUTION

I, Charles W. Williams, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 24th day of March, 1992, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Commissioner of the Minnesota Pollution Control Agency is hereby granted the authority to sign and give notice of the Minnesota Pollution Control Agency's intent to adopt, without a public hearing, the attached proposed rules of the Minnesota Pollution Control Agency governing portions of the Minnesota Pollution Control Agency Permits Rule (Minn. Rules pts. 7001.0140 and 7001.0180); Air Quality Emission Fees (Minn. Rules pts. 7002.0005 to 7002.0095); Air Quality Report Rule (Minn. Rules pt. 7005.1870); Air Quality General Definitions(Minn. Rules pt. 7005.0100); Emission Inventory (Minn. Rules pt. 7005.1875) and Calculation of Actual Emissions for the Emission Inventory (Minn. Rules pt. 7005.1876) to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and publish the notice and the proposed rules in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1990).

BE IT FURTHER RESOLVED, that the Commissioner of the Minnesota Pollution Control Agency is also granted the authority to call a hearing for the purpose of adopting the attached proposed rules of the Minnesota Pollution Control Agency governing portions of the MPCA Permits Rule (Minn. Rules pts. 7001.0140 and 7001.0180) Air Quality Emission Fees (Minn. Rules pts. 7002.0005 to 7002.0095); Air Quality Report Rules (Minn. Rules pt. 7005.1870); Air Quality General Definitions (Minn. Rules pt. 7005.0100); Emission Inventory (Minn. Rules pt. 7005.1875) and Calculation of Actual Emissions for the Emission Inventory (Minn. Rules pt. 7005.1876), to sign the Notice thereof, to act as the Minnesota Pollution Control Agency's representative at the hearing, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.078, subd. 2 (1990).

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24 day of March, 1992.

Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing; Permits, Minn. Rules Parts 7001.0140 and 7001.0180; Air Emission Permit Fees, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for The Emission Inventory, Minn. Rules Part 7005.1876

ORDER FOR HEARING

IT IS HEREBY ORDERED this 24 day of March 1992, that a public hearing on the proposed rules captioned above be held at the Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota, commencing at 9:00 a.m. on June 18, 1992.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing; Permits, Minn. Rules Parts 7001.0140 and 7001.0180; Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100, Emission Inventory, Minn. Rules Part 7005.1875; and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876

AFFIDAVIT OF SENDING NOTICE OF PROPOSED RULES TO CHAIRS OF HOUSE APPROPRIATIONS AND SENATE FINANCE COMMITTEES

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Joanne Dalbec, being duly sworn says:

That on the 6 day of April, 1992, prior to submitting the Notice of Intent to Adopt Permanent Rules to the State Register, I mailed a copy of the Notice of Intent to Adopt Permanent Rules, the proposed permanent rules, Fee Schedule approved by the Department of Finance, the Statement of Need and Reasonableness, along with the attached cover letters, to the Chairs of the House Appropriations Committee and Senate Finance Committee.

Joanne Dalbec

Subscribed and sworn to before me
this 21st day of April, 1992

Jodi D. Rasmuss
Notary Public

JODI D. RASMUSSEN
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 10-23-94

SENDER: Complete items 1 and [illegible] and 4.
Put your address in the "RETURN TO" [illegible] card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. †(Extra charge)† 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
THE HONORABLE WAYNE SIMONEAU
STATE CAPITOL
ROOM 365
ST. PAUL, MN 55155

4. Article Number
560-490-162

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Mike Prouty

6. Signature — Agent
X

7. Date of Delivery

8. Addressee's Address *(ONLY if requested and fee paid)*

MINNEAPOLIS MINN. DUE SEC. APR 6 1992 U.S.P.O.

APR 7 1992
ST. PAUL MAIL
CAPITOL SKYWAY BLDG.
ST. PAUL MINN 55155

PS Form 3811, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

NF:jmd

SENDER: Complete items [illegible] and 4.
Put your address in the "RETURN TO" [illegible] card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are desired, and complete items [illegible] postmaster for fees and check box(es) for additional service(s) requested. See reverse side. Failure to do this will prevent this card from being returned to you.
1. ☐ Show to whom delivered, date, and addressee's address. †(Extra charge)† 2. ☐ Restricted Delivery †(Extra charge)†

3. Article Addressed to:
THE HONORABLE GENE MERRIAM
STATE CAPITOL
ROOM 122
ST. PAUL, MN 55155

4. Article Number
560-490-163

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Mike Prouty

6. Signature — Agent
X

7. Date of Delivery

8. Addressee's Address *(ONLY if requested and fee paid)*

APR 7 1992

CAPITOL SKYWAY BLDG.
ST. PAUL, MINN. 55155

PS Form 3811, Mar. 1987 [illegible] DOMESTIC RETURN RECEIPT

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

April 6, 1992

The Honorable Wayne Simoneau
Minnesota State Representative
State Capitol
Room 365
St. Paul, Minnesota 55155

Dear Representative Simoneau:

The Minnesota Pollution Control Agency (MPCA), Air Quality Division, (AQD) is proposing to adopt amendments to Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095 in response to the 1991 Minnesota Legislature. If adopted the proposed amendments will assess emission fees based on the tons emitted of sulfur dioxide, nitrogen oxides, volatile organic compounds, particulate matter and lead. Fees will also be assessed for new facility permits, and for application review and permit issuance associated with an indirect source permit (ISP). The annual emission fees, new permit fees and ISP fees will be used to pay for direct and indirect costs required to develop and administer most AQD program requirements.

An emergency fee rule was passed by the MPCA Board on August 27, 1991, and became effective September 25, 1991. The emergency fee rule ensures the collection of the appropriated fee amount for fiscal year 1992 only. The rule assesses fees based on the actual emissions reported in the 1990 emissions inventory.

The proposed permanent fee rule again bases fees on actual emissions for stationary sources; it contains a formula which may be used to calculate the dollar per ton figure each year, given the total fee appropriation and the total number of tons in the inventory. The rule also includes a fee structure for indirect source permit fees, and assesses a fee for new facility permits.

I am enclosing a copy of the Notice of Intent to Adopt Permanent Rules, the proposed rules, a copy of the memorandum from Bruce Reddemann, Director of Budget Operations, Department of Finance, approving the MPCA's air emission fee rule, and the Statement of Need and Reasonableness which provides an explanation of the provisions and background to the proposed rules.

If you have any questions, please feel free to contact Lisa Thorvig, of my staff, at (612) 296-7331.

Sincerely,

Charles W. Williams
Commissioner

CWW:jmd

Enclosure

Minnesota Pollution Control Agency

520 Lafayette Road, Saint Paul, Minnesota 55155-3898

Telephone (612) 296-6300

April 6, 1992

The Honorable Gene Merriam
Minnesota State Senator
State Capitol
Room 122
St. Paul, Minnesota 55155

Dear Senator Merriam:

The Minnesota Pollution Control Agency (MPCA), Air Quality Division, (AQD) is proposing to adopt amendments to Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095 in response to the 1991 Minnesota Legislature. If adopted the proposed amendments will assess emission fees based on the tons emitted of sulfur dioxide, nitrogen oxides, volatile organic compounds, particulate matter and lead. Fees will also be assessed for new facility permits, and for application review and permit issuance associated with an indirect source permit (ISP). The annual emission fees, new permit fees and ISP fees will be used to pay for direct and indirect costs required to develop and administer most AQD program requirements.

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The proposed permanent fee rule again bases fees on actual emissions for stationary sources; it contains a formula which may be used to calculate the dollar per ton figure each year, given the total fee appropriation and the total number of tons in the inventory. The rule also includes a fee structure for indirect source permit fees, and assesses a fee for new facility permits.

I am enclosing a copy of the Notice of Intent to Adopt Permanent Rules, the proposed rules, a copy of the memorandum from Bruce Reddemann, Director of Budget Operations, Department of Finance, approving the MPCA's air emission fee rule, and the Statement of Need and Reasonableness which provides an explanation of the provisions and background to the proposed rules.

If you have any questions, please feel free to contact Lisa Thorvig, of my staff, at (612) 296-7331.

Sincerely,

Charles W. Williams
Commissioner

CWW:jmd

Enclosure

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing; Permits, Minn. Rules Parts 7001.0140 and 7001.0180; Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876

AFFIDAVIT OF SENDING THE STATEMENT OF NEED AND REASONABLENESS TO THE LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joanne Dalbec, being duly sworn says:

That on the 2 day of April, 1992, I mailed a copy of the Statement of Need and Reasonableness pursuant to Minn. Stat. §§ 14.131, along with the attached cover letter to the Executive Director of the Legislative Commission to Review Administrative Rules by depositing in the United States mail with first class postage prepaid.

Joanne Dalbec

Subscribed and sworn to before me this 20th day of April, 1992.

Jodi D. Rasmussen
Notary Public

JODI D. RASMUSSEN
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 10-23-94

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

April 2 , 1992

Ms. Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules
State Office Building, Room 55
100 Constitution Avenue
St. Paul, Minnesota 55155

Dear Ms. Hruby:

Subject: Statement of Need and Reasonableness for Proposed Amended Rules Governing; Permits, Minn. Rules Parts 7001.0140 and 7001.0180; Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876.

Enclosed for your review is a copy of the Statement of Need and Reasonableness for proposed rule revisions as required by Minnesota Statutes, section 14.115 subd. 8. If you have any questions please call me at (612) 296-7712.

Sincerely,

Norma L. Florell

Norma L. Florell
Planning and Rule Coordinator
Air Quality Division

NLF:jmd

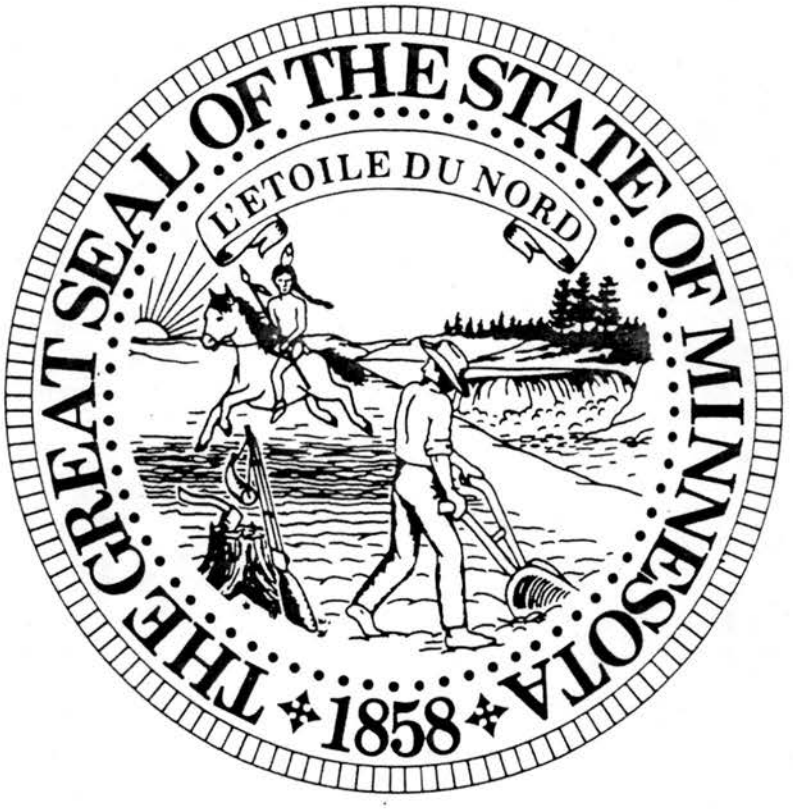
Enclosure

MPCA LIBRARY
520 Lafayette Road
St. Paul, Minnesota 55155

The Minnesota
State Register

Department of Administration—Print Communications Division

RECEIVED
MAY 0 8 1992
MPCA
LIBRARY



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 4 May 1992

Volume 16, Number 45

Pages 2389-2432

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Pollution Control Agency

Proposed Permanent Rules Relating to Air Emission Permit Fees

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or more Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Pollution Control Agency (MPCA) is hereby giving notice of its intent to adopt rules relating to: Permits, *Minnesota Rules* parts 7001.0140 and 7001.0180; Air Emission Fees, *Minnesota Rules* parts 7002.0005 to 7002.0095; Air Quality Report Rule, *Minnesota Rules* part 7005.1870; Air Quality General Definitions, *Minnesota Rules* part 7005.0100; Emission Inventory, *Minnesota Rules* part 7005.1875 and Calculation of Actual Emissions for The Emission Inventory, *Minnesota Rules* part 7005.1876, without a public hearing. The MPCA's statutory authority to adopt the rules is set forth in *Minnesota Statutes*, § 116.07, subd. 4d (1990). If fewer than 25 persons request a public hearing on the proposed rules, the rules would be adopted without a public hearing under the noncontroversial rulemaking procedure, *Minnesota Statutes*, §§ 14.22 to 14.28 (1990). If 25 or more persons request a public hearing on the proposed rules, the rules would be adopted after a public hearing, according to the procedures set forth in *Minnesota Statutes*, §§ 14.131 to 14.20 (1990). Therefore, in order to expedite the rulemaking process should 25 or more persons request a hearing, the MPCA is simultaneously giving notice of a hearing on the proposed rules. Unless at least 25 persons request that the hearing be held, the hearing will be canceled.

II. Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the MPCA proposes to adopt the above-captioned rules without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statutes*, §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rules is set forth in *Minnesota Statutes*, §§ 116.07 subd. 4d (1990).

The proposed rules follow this notice. Interested persons have until 4:30 p.m., on June 3, 1992, to submit comments in support of, or in opposition to, the proposed rules or any part or subpart thereof. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. If 25 or more persons submit written requests for a public hearing within the 30-day comment period, a public hearing will be held on the date scheduled and in accordance with the notice of hearing given in part III of this notice, unless a sufficient number withdraw their requests in writing. Requests for a public hearing must be received by the MPCA by 4:30 p.m., June 3, 1992. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990). To verify whether a hearing will be held, please call Norma Florell of the MPCA staff, between June 3, 1992, and June 5, 1992, at (612) 296-7712.

Comments or written requests for a public hearing must be submitted to:

Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7712

The proposed rules may be modified if the modifications are supported by the data and views submitted to the MPCA and do not result in a substantial change in the proposed rules as noticed.

The proposed rules will assess emission fees based on the tons emitted of sulfur dioxide (SO2), nitrogen oxides (NOx), particulate matter with an aerodynamic diameter of less than ten microns (PM10), lead or any volatile organic compound (VOC). Fees will also be assessed for new facility permits, and for application review and permit issuance associated with an indirect source permit (ISP). The annual emission fees, new permit fees, and ISP fees will be used to pay for direct and indirect costs required to develop and administer the Air Quality Division program requirements. The MPCA is also proposing to amend portions of the MPCA Permits Rule, *Minnesota Rules* parts 7001.0140 and 7001.0180; Reports, *Minnesota Rules* part 7005.1870; General Definitions, *Minnesota Rules* part 7005.0100 and to create two new parts, *Minnesota Rules* parts 7005.1875 Emission Inventory and 7005.1876 Calculation of Actual Emissions for the Emission Inventory. These modifications are to expand the existing inventory provisions to cover all the pollutants for which fees will be charged and provide additional emissions calculation options, to extend MPCA permit revocation authority to nonpayment of emisson fees, and to provide consistency with the language in the proposed emission fees rule. The proposed rules are published below. One free copy of the rules is available upon request from Norma Florell at the address and telephone number listed.

A STATEMENT OF NEED AND REASONABLENESS has been prepared and may be obtained from the MPCA by contacting Norma Florell at the address and telephone number listed. The statement of need and reasonableness is also available for review at the Office of Administrative Hearings and may be obtained at the cost of reproduction. This document describes the need for and reasonableness of each part of the rules, identifies the information relied upon to support the proposed rules, and includes a summary of the evidence and argument which the MPCA anticipates presenting at the hearing, if one is held. The Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: and Aerometric Information Retrieval System (AIRS) Facility Subsystem Source Classification Codes Emission Factor Listing for Criteria Air Pollutants, referenced by the MPCA in the statement of need and reasonableness are available through the Minitex interlibrary loan system.

The **STATEMENT OF NEED AND REASONABLENESS** also addresses small business considerations in rulemaking, as required by *Minnesota Statutes*, § 14.115 (1990). "Small business" means a business entity, including farming and other agricultural operations and its affiliates, that (a) is independently owned and operated, (b) is not dominant in its field, and (c) employs fewer than 50 full-time employees or has gross annual sales of less than $4,000,000. *Minnesota Statutes*, 14.115, subd. 1 (1990).

The proposed rules may affect small businesses as defined in *Minnesota Statutes* § 14.115 (1990). In determining the affect of the proposed rules on small businesses, the MPCA considered the methods listed in *Minnesota Statutes* § 14.115, subd. 2 (1990) for reducing the impact of the rule on small businesses.

The requirement to collect additional fees to fund the air quality program has been mandated by the legislature, and it is the legislature that will ultimately set the air quality fee appropriation each biennium. The MPCA does not have the flexibility to adjust the total amount of fees to be collected. The MPCA does have the flexibility to determine how these fees will be distributed. In making decisions concerning the distribution of the fees, the MPCA has considered small business concerns.

The rule establishes emission fees directly proportional to air emissions. Since most small businesses are minor sources of air pollution, the fees they will pay will be considerably less than the fees for larger facilities.

The MPCA is required by *Minnesota Statutes* § 14.11, subd. 2 (1990) to consider the impacts of the proposed rules on agricultural lands. The MPCA believes that the proposed rules will not have any impact on agricultural lands because the rules do not generally affect agricultural enterprises.

The proposed rules will impact local public bodies. *Minnesota Statutes* § 14.11, subd. 1 (1990) requires the MPCA to provide a written statement giving the MPCA's reasonable estimate of the total cost to all public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated cost exceeds $100,000 in either of the two years. "Local public bodies" means officers and governing bodies of political subdivisions of the state and other officers and governing bodies of less than statewide jurisdiction which have the authority to levy taxes.

This rule will become effective in fiscal year 1993. Although the fiscal year 1993 fees will be based on calendar 1991 emissions, the MPCA used 1990 emissions data, for which it has an early estimate, as an indicator of what the 1991 emissions may be. For fiscal year 1994, the MPCA does not have an indication of the total tons in the inventory, nor does the MPCA know what the fee collection target will be, therefore making it impossible to accurately estimate the total fees to be assessed. However, the MPCA is not aware of any upcoming changes that would make the fee burden on local public bodies substantially different between fiscal years 1993 and 1994.

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

The MPCA estimates the total emissions in the 1990 emission inventory for the pollutants to which the fee rule applies (PM-10, SO2, NOx, VOC and lead) is 461,303 tons. The MPCA estimates a fee collection target for fiscal year 1993 of $5,347,650, which results in a dollar per ton figure of $11.59. The estimated total fee pollutants emitted by local public facilities is 15,950 tons, making a total expenditure for local public bodies in fiscal year 1993 approximately $184,860.

If a hearing is not required for the adoption of the proposed rules, the proposed rules and supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Any person who wishes to be notified of this submission to the Attorney General, or who wishes to receive a copy of the adopted rules, must submit a written request to Norma Florell at the address listed.

III. Notice of Intent to Adopt a Rule With a Public Hearing If 25 or More Persons Request a Hearing.

Please Note That if 25 or More Persons Submit Written Requests for a Public Hearing With RESPECT to the Above-Captioned Rules Within the 30-Day Comment Period Pursuant to the Notice Given in Part II, a Hearing Will be Held on June 18, 1992, in Accordance With the Following Notice of Public Hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20 (1990), on June 18, 1992, in the boardroom of the MPCA, 520 Lafayette Road, St. Paul, Minnesota, commencing at 9:00 a.m. Additional days may be scheduled as needed. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is available for reveiw at the MPCA and at the Office of Administrative Hearings. The statement of need and reasonableness includes a summary of all the evidence and arguments which the MPCA anticipates presenting 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 reviewed at the MPCA or the Office of Administrative hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

This matter will be heard before Administrative Law Judge Allan Kline, from the Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, (612) 341-7611. The rule hearing procedure is governed by *Minnesota Statutes*, §§ 14.131 to 14.20 (1990) and by 1400.0200 to 1400.1200 (1991). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

Any person may present his or her view on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the MPCA and interested persons may respond in writing to any new information received during the comment period. No additional evidence may be submitted during the three-day period. Any written comments or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day of the respective comment and response period. The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Norma Florell at the address listed.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules as noticed. Those who are potentially affected by the substance of the proposed rules are therefore advised and encouraged to participate in the process.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the MPCA may not take any final action on the rule for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the dates on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the MPCA at any time prior to the filing of the rules with the Secretary of State.

Please be advised that *Minnesota Statutes* ch. 10A requires each lobbyist to register with the State Ethical Practice Board. Questions should be addressed directly to the State Ethical Practice Board at 1st Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148.

The MPCA has submitted a copy of this notice, and the proposed rule, and the Statement of Need and Reasonableness to the chairs of the House Appropriations Committee and the Senate Finance Committee prior to publishing this notice in the *State Register*.

IV. Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing.

Please Note That the Hearing, Notice of Which is Given in Part III, Will Be Canceled if Fewer Than 25 Persons Request a Hearing in Response to the Notice Given in Part II.

Charles W. Williams
Commissioner

Rules as Proposed

AIR ~~QUALITY~~ EMISSION PERMIT FEES

7001.0140 FINAL DETERMINATION.

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

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

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

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

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

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:

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

D. the permittee has failed to comply with any requirement under chapter 7002 or 7046 to pay permit fees or emission fees; or

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

7002.0005 SCOPE.

Parts 7002.0005 to 7002.0085 apply to all persons required to obtain an air emission permit or an indirect source permit from the Minnesota Pollution Control Agency under parts 7001.1200 to 7001.1350 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq.

7002.0015 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7002.0005 to 7002.0085, the terms defined in this part have the meanings given them. The definitions in parts 7001.0010, 7001.1260, and 7005.0010 to 7005.3060 apply unless the terms are defined in this part.

Subp. 2. **Affected facility.** "Affected facility" means any facility for which the owner or operator of the facility must obtain an air emission permit under parts 7001.1200 to 7001.1220 or under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq.

Subp. 3. **Emission inventory.** "Emission inventory" means the inventory of actual emissions required under part 7005.1875.

Subp. 4. **Regulated pollutant.** "Regulated pollutant" means the following:

A. Nitrogen oxides (NO_x) or any volatile organic compound.

B. Any pollutant for which a national ambient air quality standard has been promulgated, except carbon monoxide.

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. **Calculation of fee.** Operators of affected facilities shall pay an annual emission fee for each ton of a regulated pollutant emitted to the air by the facility. The fee shall be based on the actual emission tonnages as established in the most recent available emission inventory. The fees shall be $X for each ton of any regulated pollutant. The value of "X" is as determined in part 7002.0045.

Subp. 2. **New facilities.** New emission facilities that have been issued a permit, but have not yet been required to submit emissions data, shall pay a fee of $770.

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

Subp. 3. **Estimated potential to emit.** If an emission facility fails to submit actual emissions data as required by part 7005.1870, subpart 4, or 7005.1875, whichever is in effect when the inventory is due, the annual emission fee for that facility shall be based on the estimated potential-to-emit of that facility, as defined in part 7005.0100, subpart 35a.

7002.0035 AIR QUALITY ANNUAL FEE TARGET.

The annual fee target shall be set as described in items A, B, and C.

A. For fiscal year 1993, the unadjusted fee target shall be $5,093,000.

B. For fiscal year 1994 and thereafter, the unadjusted fee target shall be the greater of the following:

(1) the sum of:

(a) the amount directly appropriated to the Air Quality Division from the environmental fund for that fiscal year; and

(b) the Air Quality Division's portion of the appropriation from the environmental fund to the agency's general support program, as determined by using the indirect cost allocation plan approved by the Minnesota Department of Finance under *Minnesota Statutes*, section 16A.127, subdivision 4; or

(2) the amount calculated by multiplying $25 per ton, adjusted for inflation since 1989, times the number of tons of each regulated pollutant listed in the most recent available emission inventory. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described by the United States Environmental Protection Agency in rules adopted under title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399, et seq.

C. The amounts described in items A and B must be adjusted as follows:

(1) if the agency failed to collect its fee target the previous year, after making reasonable efforts to do so, the shortfall must be added to the next year's fee target;

(2) if the agency collected more than its fee target the previous year, the excess must be subtracted from the next year's fee target; and

(3) for any year, the commissioner may increase the fee target by up to five percent to reflect the anticipated fee nonpayment rate. This increase must not be considered for purposes of calculating a deficit or surplus under subitems (1) and (2).

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "X" used in part 7002.0025 shall be computed as follows:

$X = (F - I - P)/T$

where:

X = Dollars per ton.

F = Total annual fee target, as determined in this part.

I = Total amount to be billed as indirect source permit fees for the previous calendar year, part 7002.0055.

P = Total amount to be billed as new permit fees for the previous calendar year, part 7002.0025, subpart 2.

T = Total number of tons of all regulated pollutants listed in the most recent annual emissions inventory.

7002.0055 INDIRECT SOURCE PERMIT FEES.

Subpart 1. **Schedule.** A person who applies for a permit to construct, modify, or reconstruct an indirect source as defined in part 7001.1260, subpart 5, shall be assessed fees according to the following schedule:

Basic charges	Fee
New permit application	$1,605
Permit modification application	$1,205
Surcharges	
Involves 5,000 or more parking spaces or 700,000 or more square feet	$2,005
Noise variance applied for	$3,265
On-site contamination affects facility	$800
Requires binding commitments for new roadway improvements	$1,205
Requires involvement of more than one governmental unit or roadway authority	$400

Basic charges	Fee
Involves more than one applicant, except governmental coapplicants acting in regulatory capacity	$2,005
Permit application formally amended during application review process to change size of scope of project	$1,205
Contains an entertainment or sports facility with a peak attendance level of 10,000 or more people or 10,000 or more parking spaces	$1,605
Involves a change in ownership except from single owner to single owner	$1,205

Subp. 2. **Fees nonrefundable.** The fees in subpart 1 shall be determined by the division manager upon application for an indirect source permit, or when it becomes apparent that a surcharge shall apply. A bill for the amount due shall be sent after January 1 of the following calendar year. Fees paid under this part are nonrefundable, regardless of whether a permit is eventually issued.

7002.0065 PAYMENT OF FEES.

A person submitting the fee shall make it payable to the Minnesota Pollution Control Agency, and shall submit it to the division manager. The fee shall be paid within 60 days of receipt of an invoice from the division manager.

7002.0075 NOTIFICATION OF ERROR.

A person who thinks that the assessed fee is in error shall provide a written explanation of the person's position to the commissioner along with the assessed fee. The commissioner shall, within 60 days of the receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

7002.0085 LATE PAYMENT FEE.

An owner or operator of an affected facility shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of the payment due date, and shall pay an additional ten percent of the original payment due for each 30-day period or portion thereof that the payment is late.

7002.0095 EFFECTIVE DATE.

Parts 7002.0005 to 7002.0085 are effective July 1, 1992.

7005.0100 DEFINITIONS.

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

Subp. 9a. **Division manager.** "Division manager" means the division manager of the Air Quality Division of the Minnesota Pollution Control Agency.

[For text of subps 10 and 10b, see M.R.]

Subp. 10c. **EPA efficiency factor.** "EPA efficiency factor" means the control efficiency listed in the Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: AEROS Manual of Codes, EPA-450/2-76-005, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, April 1976, which is incorporated by reference and is available through the Minitex interlibrary loan system.

Subp. 10d. **EPA emission factor.** "EPA emission factor" means the emission factor listed in AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA 450/4-90-003, United States Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, March 1990, which is incorporated by reference and is available at the state law library and through the Minitex interlibrary loan system.

[For text of subps 11 to 30, see M.R.]

Subp. 30a. **PM-10.** "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

[For text of subps 31 to 42c, see M.R.]

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

A. methane;

B. ethane;

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

D. trichlorotrifluoroethane (CFC-113);

E. methylene chloride;

F. trichlorofluoromethane (CFC-11);

G. dichlorodifluoromethane (CFC-12);

H. chlorodifluoromethane (CFC-22);

I. trifluoromethane (FC-23);

J. dichlorotetrafluoroethane (CFC-114);

K. chloropentafluoroethane (CFC-115);

L. dichlorotrifluoroethane (HCFC-129);

M. tetrafluoroethane (HFC-134a);

N. dichlorofluoroethane (HCFC-141b);

O. chlorodifluoroethane (HCFC-142b);

P. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

Q. pentafluoroethane (HFC-125);

R. 1,1,2,2-tetrafluoroethane (HFC-134);

S. 1,1,1-trifluoroethane (HFC-143a);

T. 1,1-difluoroethane (HFC-152a);

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

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

7005.1875 EMISSION INVENTORY.

Subpart 1. **Owners or operators.** All owners or operators of affected facilities, as defined in part 7002.0015, subpart 2, shall submit an annual emission inventory report to the agency, in a format specified by the commissioner, relating to carbon monoxide and all regulated pollutants as defined in part 7002.0015, subpart 4. The report shall be submitted on or before April 1 of the year following the year being reported. A person who signs the report shall make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that the data provided in this document will be used by the MPCA to calculate a fee, which the facility will be required to pay under *Minnesota Rules*, part 7002.0025, based on the tons of pollution emitted by the facility."

Subp. 2. **Owner or operator error in reporting data.** If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it occurred. If the commissioner agrees that the correction is appropriate, the commissioner shall correct the data in the inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner shall not recognize any correction submitted by an owner or operator which would result in a reduction of tons emitted if the correction is submitted after November 31 of the year the inventory is due.

7005.1876 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

Subpart 1. **Method.**

A. Except as provided in item B, all calculations of actual emissions required under part 7005.1875 shall be based on the operating data supplied in the emission inventory, multiplied by an emission factor. The emission factor used in this calculation shall be an EPA emission factor or, where no EPA emission factor is available, an emission factor generated by the agency. An emission

factor generated by the agency shall be calculated using engineering methods consistent with the methods used by the EPA to calculate EPA emission factors. Control equipment efficiency shall be based on the average of the range of EPA efficiency factors or shall be based on the efficiency verified by a performance test conducted according to part 7005.1860, provided the performance test took place in the year for which emissions are being calculated.

B. The alternative method described in subpart 2 shall be used by the affected facility to calculate actual emissions in its emissions inventory instead of the method described in item A if data as described in subpart 2 is available for the facility. The alternative methods described in subparts 3, 4, and 5 may be used by the facility without advance notification to the division manager. The method described in subpart 6 may be used, provided that the proposal is submitted to the division manager by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall reject data submitted using the methods described in subparts 2 to 5 if the conditions set forth for the method are not fully met.

Subp. 2. **Continuous emission monitor (CEM) data.** If an affected facility has collected emissions data through use of a continuous emission monitor (CEM), the facility shall report that data to the agency in its emission inventory. The requirements in items A to C must be met.

A. The CEM operation must have been in compliance with all of the requirements of parts 7005.1850, 7005.1870, and 7005.1880; any other applicable state or federal laws pertaining to CEM operation; and all applicable air emission permit conditions.

B. The total operating time of the applicable emission unit and the total operating time of the CEM must be included in the report.

C. An explanation of how the emissions were calculated based on the CEM data must be included in the report. For CEM downtime, this calculation must apply EPA emission factors, stack test data as specified in subpart 3, a permit emission limit, or the method of reporting CEM downtime specified by the United States Environmental Protection Agency in rules adopted under section 412 of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104. This method may be used by any facility with a CEM, regardless of whether federal regulations require them to use it.

Subp. 3. **Stack test data.** Emission factors from stack tests may be used for the calculation of emissions, provided that the following conditions are met:

A. all the requirements of part 7005.1860, all other applicable state and federal laws, and all applicable air emission permit conditions relating to stack testing have been complied with; and

B. the test was performed during the calendar year for which the emissions are being calculated.

Subp. 4. **Volatile organic compound (VOC) material balance.** A material balance method may be used to calculate VOC emissions. A person using material balance to calculate VOC emissions shall determine the total VOC emissions (E) as follows:

$$E = (a - b - c) * (1 - d)$$

where:

a = the amount of VOC entering the process. A signed statement from the supplier separate from the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

b = the amount of VOC incorporated permanently into the product. This includes VOC's chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the overall efficiency, or the product of capture efficiency and control efficiency, of any device used to capture and/or control VOC emissions, expressed as a decimal fraction of 1.00. This overall efficiency shall be based on the average of the range of EPA efficiency factors, or shall be based on the overall efficiency verified by a performance test conducted according to part 7005.1860, provided that the performance test took place in the year for which emissions are being calculated.

Subp. 5. **SO_2 material balance.** A person may determine sulfur dioxide emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using American Society of Testing and Materials (ASTM) methods. The sulfur dioxide emissions shall be determined by using the following equation: $SO_2 = \%S/100 \times F/2000 \times 2$.

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where:

SO_2 = Sulfur dioxide emissions from a batch of fuel.

%S = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur in one pound-mole.

The total sulfur dioxide emissions for the year shall be the sum total of the individual batch totals.

Subp. 6. **Facility proposal.** If none of the alternative methods in subparts 2 to 5 would give an accurate representation of the facility's actual emissions, or none of the methods listed is technically or economically feasible, the affected facility may propose an alternative method for calculating the emissions. The proposal shall include:

A. an explanation of why none of the alternative methods in subparts 2 to 5 give an accurate representation of emissions, or why the methods are not technically or economically feasible;

B. a detailed description of the proposed method; and

C. a comparison of the accuracy of the proposed method with the alternatives in subparts 2 to 5.

The proposal shall be submitted to the commissioner by October 1 of the year for which the emissions are being calculated, beginning in 1993. The commissioner shall accept the affected facility's proposal if the commissioner finds that the proposal is equally or more representative of the facility's emissions than alternatives in subparts 2 to 5, excluding the technically or economically infeasible alternatives. If the commissioner rejects the proposal, the commissioner shall do so by February 1 of the year the inventory is due.

REPEALER. *Minnesota Rules*, parts 7002.0010, 7002.0020, 7002.0030, 7002.0040, 7002.0050, 7002.0060, 7002.0070, 7002.0080, 7002.0090, 7002.0100, 7002.0110, and 7005.1870, subpart 4, are repealed.

Department of Public Safety

Proposed Permanent Rules Relating to Furniture Flammability

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Fire Marshal intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is *Minnesota Statutes*, section 299F.844.

All persons have 30 days, until 4:30 p.m., June 3, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the State Fire Marshal no later than 4:30 p.m. on the final day of the comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Patrick Sheehan, State Fire Marshal Division, 450 North Syndicate Street #285, St. Paul, Minnesota 55104, 612-643-3082.

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A free copy of the rules is available upon request from Patrick Sheehan at the address and telephone number listed above.

The rules set out flammability and labeling requirements for seating furniture used in public occupancies. Public occupancies include such places as jails and prisons, hospitals and health care facilities, nursing homes, child day care centers, public auditoriums and stadiums, and public assembly areas of hotels and motels. Seating furniture used in public occupancies will be required to meet the flammability standards of California Technical Bulletin 133, a nationally recognized standard for measuring the flammability of seating furniture. The rules will apply to furniture manufactured after January 1, 1993.

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing; Permits, Minn. Rules Parts 7001.0140 and 7001.0180; Air Emission Fees, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I. Explanation of Alternative Notices

The Minnesota Pollution Control Agency (MPCA) is hereby giving notice of its intent to adopt rules relating to: Permits, Minn. Rules parts 7001.0140 and 7001.0180; Air Emission Fees, Minn. Rules parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules part 7005.1870; Air Quality General Definitions, Minn. Rules part 7005.0100; Emission Inventory, Minn. Rules part 7005.1875 and Calculation of Actual Emissions for The Emission Inventory, Minn. Rules part 7005.1876, without a public hearing. The MPCA's statutory authority to adopt the rules is set forth in Minn. Stat., § 116.07, subd. 4d (1990). If fewer than 25 persons request a public hearing on the proposed rules, the rules would be adopted without a public hearing under the noncontroversial rulemaking procedure, Minn. Stat., §§ 14.22 to 14.28 (1990). If 25 or more persons request a public hearing on the proposed rules, the rules would be adopted after a public hearing, according to the procedures set forth in Minn. Stat., §§ 14.131 to 14.20 (1990). Therefore, in order to expedite the rulemaking process should 25 or more persons request a hearing, the MPCA is simultaneously giving notice of a hearing on the proposed rules. Unless at least 25 persons request that the hearing be held, the hearing will be canceled.

II. Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the MPCA proposes to adopt the above-captioned rules without a public hearing following the procedures set forth in the Administrative Procedure Act in Minn. Stat., §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rules is set forth in Minn. Stat., §§ 116.07 subd. 4d (1990).

A copy of the proposed rules is attached. Interested persons have until 4:30 p.m. on June 3, 1992, to submit comments in support of or in opposition to the proposed rules or any part or subpart thereof. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. If 25 or more persons submit written requests for a public hearing within the 30-day comment period, a public

hearing will be held on the date scheduled and in accordance with the notice of hearing given in part III of this notice, unless a sufficient number withdraw their requests in writing. Requests for a public hearing must be received by the MPCA by 4:30 p.m., June 3, 1992. (6) Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes proposed. (7) If a public hearing is required, the MPCA will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1990). To verify whether a hearing will be held, please call Norma Florell of the MPCA staff, between June 3, 1992, and June 5, 1992, at (612) (296-7712)

(5) Comments or written requests for a public hearing must be submitted to:

Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155 (612) 296-7712

(8) The proposed rules may be modified if the modifications are supported by the data and views submitted to the MPCA and do not result in a substantial change in the proposed rules as noticed.

The proposed rules will assess emission fees based on the tons emitted of sulfur dioxide (SO2), nitrogen oxides (NOx), particulate matter with an aerodynamic diameter of less than ten microns (PM10), lead or any volatile organic compound (VOC). Fees will also be assessed for new facility permits, and for application review and permit issuance associated with an indirect source permit (ISP). The annual emission fees, new permit fees and ISP fees will be used to pay for direct and indirect costs required to develop and administer the Air Quality Division program requirements. The MPCA is also proposing to amend portions of the MPCA Permits Rule, Minn. Rules parts 7001.0140 and 7001.0180; Reports, Minn. Rules part 7005.1870; General Definitions, Minn. Rules part 7005.0100 and to create two new parts, Minn. Rules parts 7005.1875 Emission Inventory and 7005.1876 Calculation of Actual Emissions for the Emission Inventory. These modifications are to expand the existing inventory provisions to cover all the pollutants for which fees will be charged and provide additional emissions calculation options, to extend MPCA permit revocation authority to nonpayment of emission fees, and to provide consistency with the language in the proposed emission fees rule.

(12) A Statement of Need and Reasonableness has been prepared and may be obtained from the MPCA by contacting Norma Florell at the address and telephone number listed. The statement of need and reasonableness is also available for review at the Office of Administrative Hearings and may be obtained at the cost of reproduction. This document describes the need for and reasonableness of each part of the rules, identifies the information relied upon to support the proposed rules, and includes a summary of the evidence and argument which the MPCA anticipates presenting at the hearing, if one is held. The Aerometric and Emissions Reporting System (AEROS) Manual Series, Volume 5: and AIRS Facility Subsystem Source Classification Codes Emission Factor Listing for Criteria Air Pollutants, referenced by the MPCA in the statement of need and reasonableness are available through the Minitex interlibrary loan system.

The statement of need and reasonableness also addresses small business considerations in rulemaking, as required by Minn. Stat., § 14.115 (1990). "Small business" means a business entity, including farming and other agricultural operations and its affiliates, that (a) is independently owned and operated, (b) is not dominant in its field, and (c) employs fewer than 50 full-time employees or has gross annual sales of less than $4,000,000. Minn. Stat., 14.115, subd. 1 (1990).

(14) The proposed rules may affect small businesses as defined in Minn. Stat. § 14.115 (1990). In determining the affect of the proposed rules on small businesses, the MPCA considered the methods listed in Minn. Stat. § 14.115, subd. 2 (1990) for reducing the impact of the rule on small businesses.

The requirement to collect additional fees to fund the air quality program has been mandated by the legislature, and it is the legislature that will ultimately set the air quality fee appropriation each biennium. The MPCA does not have the flexibility to adjust the total amount of fees to be collected. The MPCA does have the flexibility to determine how these fees will be distributed. In making decisions concerning the distribution of the fees, the MPCA has considered small business concerns.

The rule establishes emission fees directly proportional to air emissions. Since most small businesses are minor sources of air pollution, the fees they will pay will be considerably less than the fees for larger facilities.

The MPCA is required by Minn. Stat. § 14.11, subd. 2 (1990) to consider the impacts of the proposed rules on agricultural lands. The MPCA believes that the proposed rules will not have any impact on agricultural lands because the rules do not generally affect agricultural enterprises.

The proposed rules will impact local public bodies. Minn. Stat. § 14.11, subd. 1 (1990) requires the MPCA to provide a written statement giving the MPCA's reasonable estimate of the total cost to all public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated cost exceeds $100,000 in either of the two years. "Local public bodies" means officers and governing bodies of political subdivisions of the state and other officers and governing bodies of less than statewide jurisdiction which have the authority to levy taxes.

This rule will become effective in fiscal year 1993. Although the fiscal year 1993 fees will be based on calendar 1991 emissions, the MPCA used 1990 emissions data, for which it has an early estimate, as an indicator of what the 1991 emissions may be. For fiscal year 1994, the MPCA does not have an indication of the total tons in the inventory, nor does the MPCA know what the fee collection target will be, therefore making it impossible to accurately estimate the total fees to be assessed. However, the MPCA is not aware of any upcoming changes that would make the fee burden on local public bodies substantially different between fiscal years 1993 and 1994.

The MPCA estimates the total emissions in the 1990 emission inventory for the pollutants to which the fee rule applies (PM-10, SO2, NOx, VOC and lead) is 461,303 tons. The MPCA estimates a fee collection target for fiscal year 1993 of $5,347,650 which results in a dollar per ton figure of $11.59. The estimated total fee pollutants emitted by local public facilities is 15,950 tons, making a total expenditure for local public bodies in fiscal year 1993 approximately $184,860.

(9) If a hearing is not required for the adoption of the proposed rules, the proposed rules and supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Any person who wishes to be notified of this submission to the Attorney General, or who wishes to receive a copy of the adopted rules, must submit a written request to Norma Florell at the address listed.

III. Notice of Intent to Adopt a Rule With a Public Hearing If 25 or More Persons Request a Hearing.

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON JUNE 18, 1992, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

Notice is hereby given that a public hearing in the above-captioned matter will be held pursuant to Minn. Stats., §§ 14.131 to 14.20 (1990), on June 18, 1992, in the boardroom of the MPCA, 520 Lafayette Road, St. Paul, Minnesota, commencing at 9:00 a.m. Additional days may be scheduled as needed. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

Notice is hereby given that a statement of need and reasonableness is available for review at the MPCA and at the Office of Administrative Hearings. The statement of need and reasonableness includes a summary of all the evidence and arguments which the agency anticipates presenting 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 reviewed at the agency or the Office of Administrative hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

This matter will be heard before Administrative Law Judge Allan Kline, from the Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, (612) 341-7611. The rule hearing procedure is governed by Minn. Stats., §§ 14.131 to 14.20 (1990) and by 1400.0200 to 1400.1200 (1991). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated.

Any person may present his or her view on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the MPCA and interested persons may respond in writing to any new information received during the comment period.

No additional evidence may be submitted during the three-day period. Any written comments or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day of the respective comment and response period. The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Norma Florell at the address listed above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules as noticed. Those who are potentially affected by the substance of the proposed rules are therefore advised and encouraged to participate in the process.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the MPCA may not take any final action on the rule for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the dates on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the MPCA at any time prior to the filing of the rules with the Secretary of State.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practice Board. Questions should be addressed directly to the State Ethical Practice Board at 1st Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148.

The MPCA has submitted a copy of this notice and the proposed rule and Statement of Need and Reasonableness to the chairs of the House Appropriations Committee and the Senate Finance Committee prior to publishing this notice in the State Register.

IV. Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing.

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

Dated: 4/12/92

Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing; Permits, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Norma Flood, being duly sworn says:

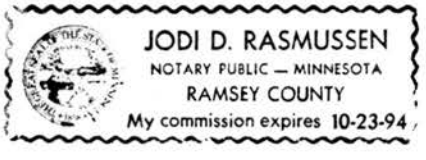
I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) that their names be placed on the Minnesota Pollution Control Agency's rulemaking mailing list is accurate, complete, and current as of this 29th day of April, 1992.

That on the 29th day of, April 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, Norma Flood mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing and Certificate of Mailing List by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Norma Flood

Subscribed and sworn to before me this 2nd day of June, 1992.

Jodi D. Rasmuss
Notary Public



...NVILLE WALBURN
...E ... COMMISSIONER
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...LARD, MN 56385

01308 HON. JOAN MISKA
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109 COOK ST.
REDWOOD FALLS, MN 56283

01313 HON. GALE DAHLAGER
RENVILLE CO COMMISSIONER
R 2 BOX 56
SACRED HEART, MN 56285

01314

...N. JERRY PINEUR
...CE CO COMMISSIONER
...1 BOX 73G
...RRISTOWN, MN 55052

01316 HON. RICHARD MERTZ
SCOTT CO COMMISSIONER
845 LEWIS ST.
SHAKOPEE, MN 55379

01332 HON. LYLE SMITH
SHERBURNE CO COMMISSIONER
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01334

...N. WILLIAM MATTSON
... LOUIS CO COMMISSIONER
...O N 5TH AVE W
...ITE 208
...LUTH, MN 55802-1292

01336 HON. JOHN BACH
SIBLEY CO COMMISSIONER
R 1 BOX 187
HENDERSON, MN 56044

01344 HON. JOHN GAUKERUD
ROSEAU CO COMMISSIONER
R 2
BADGER, MN 56714

01349

...N. ROBERT GAMBRINO
...EARNS CO COMMISSIONER
...X 743
...T. CLOUD, MN 56302

01359 HON. LESTER OELTJENBRUNS
STEELE CO COMMISSIONER
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OWATONNA, MN 55060

01379 HON. HERB KLOOS
STEVENS CO COMMISSIONER
RR 1 BOX 177
DONNELLY, MN 56235

01380

...N. STEVE RAGUSE
...RA... E CO COMMISSIONER
...C...
...D...
...HEATON, MN 56296

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01389 HON. LESTER RECKOW
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ST. JAMES, MN 56081

01395

...ON. JAMES PONCELET
...ABASHA CO COMMISSIONER
... 1 BOX 110
...AZEPPA, MN 55956

01398 HON. SALLY EVERT
WASHINGTON CO COMMISSIONER
550 S. GROVE
STILLWATER, MN 55082

01402 HON. CALVIN CONDON
WASECA CO COMMISSIONER
409-5TH ST. N.E.
WASECA, MN 56093

01410

...ON. STANLEY BERG
...ELLOW MED CO COMMISSIONER
... 1 BOX 125
...LARKFIELD, MN 56223

01421 HON. KALVIN MICHELS
WILKIN CO COMMISSIONER
205 N. 14TH ST.
BRECKENRIDGE, MN 56520

01423 HON. DONALD PETERSON
WINONA CO COMMISSIONER
R 1 BOX 65B
WINONA, MN 55987

01431

...ON. ARLYN NELSON
...RIGHT CO COMMISSIONER
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01432 MR. BRUCE E. BENSON
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...R. ROBERT LOCKYEAR
...PLANNING COORDINATOR
...WASHINGTON COUNTY COURTHOUSE
...14... NORTH 61ST STREET
...ST... ATER, MN 55082

01515 DAVID CERA
2010 JERSEY AVE S
ST LOUIS PARK, MN 55426

02151 CITIZENS FOR BETTER ENVIROMENT
3255 HENNEPIN AVE S
SUITE #150
MPLS, MN 55408

02154

ON. ..L COLLINS
OU CO COMMISSIONER
17 HAWTHORNE
LEXANDRIA, MN 56308

01110

HON. ROBERT THOMPSON
FILLMORE CO COMMISSIONER

LANESBORO, MN 55949

01114

HON. ARNOLD BIEDERMANN
FREEBORN CO COMMISSIONER
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ALBERT LEA, MN 56007

01115

ON. RANDY JOHNSON
IENNEPIN CO COMMISSIONER
-2400 GOVT CTR
INNEAPOLIS, MN 55487

01121

HON. FRANK WEISBROD
ISANTI CO COMMISSIONER
R 2
CAMBRIDGE, MN 55008

01137

HON. MILFORD GENTZ
JACKSON CO COMMISSIONER
R 1 BOX 85
LAKEFIELD, MN 56150

01150

ON. RANDY SWENSON
KITTSON CO COMMISSIONER
R 1 BOX 162
ANCASTER, MN 56735

01165

HON. DONALD SANDBECK
KOOCHICHING CO COMMISSIONER
R 8 BOX 620
JAMESON ADDITION
INT'L FALLS, MN 56649

01167

HON. ROBERT CULHANE
LE SUEUR CO COMMISSIONER
R 1 BOX 90
WATERVILLE, MN 56096

01183

HON. STAN CORNELIUS
LAKE-WOODS CO COMMISSIONER
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BAUDETTE, MN 56623

01191

HON. ALBERT HOFFMAN
LAC QUI PARLE CO COMMISSIONER
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BELLINGHAM, MN 56212

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HON. CARL HAUSCHILD
LINCOLN CO COMMISSIONER
R 1 BOX 183
MINNEOTA, MN 56264

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HON WILLIAM COLE
LY( ) COMMISSIONER
10 JTHVIEW DR.
MA LL, MN 56258

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HON. RICHARD LARSON
MAHNOMEN CO COMMISSIONER
R 2
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HON. DAVID OBERFELD
MILLE LACS CO COMMISSIONER
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HON. DUANE KIRCHNER
MURRAY CO COMMISSIONER
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WESTBROOK, MN 56183

01260

HON. KENNETH ALBRECHT
NICOLLET CO COMMISSIONER
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NORTH MANKATO, KM 56003

01261

HON. CLAYTON IHLEN
PIPESTONE CO COMMISSIONER
R 3
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01274

HON. JEAN MICHAELS
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HON. HAL NORGARD
RAMSEY CO COMMISSIONER
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15 W KELLOGG
ST PAUL, MN 55102

01300

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[illegible] ASSOCIATES
390 [illegible]MENEMY ROAD
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HONORABLE HOWARD CHRISTIANSON 00921
CHAIRMAN
KANDIYOHI COUNTY BOARD
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ONORABLE DONALD MAHER, CHAIRMAN 00927
AKOTA COUNTY BOARD
/O DAKOTA COUNTY GOV'T CTR
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HONORABLE DALE SMOLNISKY 00929
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ENDECO INC
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WHITE BEAR LAKE, MN 55110

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COON RAPIDS, MN 55433

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HON. GORDON KANERUD 01032
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HON. ELWOOD THRONDRUD 01038
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BROWN CO COMMISSIONER
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HON. EARL GNAN 01053
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HON. WESLEY HEDSTROM 01064
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HON. CHARLES BRANTNER 01070
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HON. MARLOWE NELSEN 01086
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R 2
WESTBROOK, MN 56183

HON. ART ENGELBRECHT 01091
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ALEXANDRIA, MN 56308

HON. ROLAND KRONBERG 01101
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00488

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06935

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing; Permits, Minn. Rules Parts 7002.0005 to 7002.0095; Air Quality Report Rule, Minn. Rules Part 7005.1870; Air Quality General Definitions, Minn. Rules Part 7005.0100; Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876	AFFIDAVIT OF DISCRETIONARY MAILING THE NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

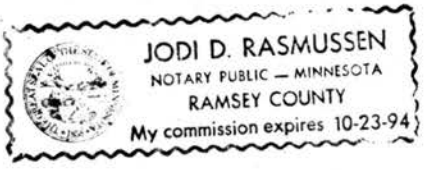
Thomas Hovel, being duly sworn says:

I hereby certify that on the 29th day of April, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing, Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22, by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing a copy thereof, with postage prepaid, to all persons on the attached discretionary mailing list.

Thomas Hovel

Subscribed and sworn to before me
this 2nd day of June, 1992.

Jodi D. Rasmussen
Notary Public



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Plant Manager
Hedstrom Lumber Co., Inc.
Rt.3, Box 664
Grand Marais, MN 55604

Allen Roger
Hennepin Energy Resource Co.
505 6th Ave. N.
Minneapolis, MN 55405-1503

Herzog Contracting Group
Minnesota Plant in Renville
600 S. Riverside
P.O. Box 1089
St. Joseph, MO 64502

Plant Manager
Hill Wood Products
County Road 115
Cook, MN 55723

Energy Corp
225 S. Cordove Ave
La Center, MN 56057

Plant Manager
Engineered Polymers Corporatio
1020 East Maple Ave
Mora, MN 55051

Plant Manager
FMC/Tsumura International, Inc
1000 Valley Park Dr.
Shakopee, MN 55379

Plant Manager
Farmers Elevator Company
East Elevator
130 2nd Avenue NW
Sleepy Eye, MN 56085

Plant Manager
Farmsco #2
930 Central Avenue
P.O. Box 358
East Grand Forks, MN 56721

Plant Manager
Fingerhut Corporation
847 Howe Avenue
Mora, MN 55051

Bruce Stender
First Properties, Inc.
Labovitz Enterprises
227 West 1st Street
Duluth, MN 55802

Plant Manager
First Trust Center
180 E. 5th Street
St. Paul, MN 55101

Plant Manager
Fisher Industries
Crusher at I494 + Cedar
PO Box 1034
Dickenson, ND 58602

Plant Manager
Fitzgerald Company
Sabin, MN 56580

Plant Manager
Fox Packaging, Inc.
51 E. Maryland Ave.
St. Paul, MN 55117

Plant Manager
Fred Carlson Corporation
MN Portable Concrete Plant
Box 48
Decorah, IA 52101

Mr. [illegible]
Cubes Supervalue
Highway 169 South
Shakopee, MN 55379

Ron Andrus
Heindels Supermarket
2526 7th Avenue East
North St. Paul, MN 55109

Plant Manager
Heltgin Seed
2220 West Lincoln
Olivia, MN 56277

Plant Manager
LTV Steel Mining
Minnesota Trackage
Hoyt Lakes, MN 55750

Plant Manager
Lake Elmo Hardware Lumber, Inc
11320 North Upper 33rd
Lake Elmo, MN 55042

Plant Manager
Land O Lakes
1612 NW 7th Street
Faribault, MN 55021

Plant Manager
Land O Lakes
US Highway 71
Browerville, MN 56438

Plant Manager
Lardner Grain Terminal
Box 91
Appleton, MN 56208

Plant Manager
Larson Boats
Division of Genmar Industries
Paul Larson Memorial Drive
Little Falls, MN 56345

Plant Manager
Lindberg Heat Treating Company
6981 Oxford Street
Minneapolis, MN 55426

B. Promersberger
Little Fork Wood Products
RR 1, Box 31
Little Fork, MN 56653

Plant Manag
Lucms Egg
2535 Highway 19
Firlevsor, MN 55735

[illegible]
River Excavating
Drexel Pit - Marsham Twnshp
P.O. Box 96
Prescott, WI 54021

Plant Manager
Hutchinson Technology, Inc.
40 West Highland Park
Hutchinson, MN 55350

Plant Manager
ICI Composites, Inc.
Fiberite Winona
501 W 3rd Street
Winona, MN 55987-0468

Plant Manager
IGM Corporation
PO Box 136
Appleton Industrial Park
Appleton, MN 56208

School Engineer
Wrenshall School
Wrenshall, MN 55797

Dale Hamilton
ISD 279 - Park Center High
11200 93rd Ave N.
Maple Grove, MN 55369

School Engineer
ISD 281
Sonnesyn
4148 Winnetka Ave
New Hope, MN 55427

Plant Manager
Industrial Spray Paint
9251 Ashton Ave NE
Fridley, MN 55432

Plant Manager
International Multifoods-Shell
Multifoods Tower
PO Box 2942
Minneapolis, MN 55402

Plant Manager
J L Shiely Company - Minneapol
1101 North Snelling Ave
St. Paul, MN 55108

John Lundell
Portable Soil Roaster
110 Matthew St.
Mont Fort, WI 53569

Plant Manager
Johnson Blacktop - portable so
2320 NW 14th Ave.
Rochester, MN 55901

Plant Manager
Mathy Construction Company
Minnesota Portable 24
915 Commercial Court
Onalaska, WI 54650

Plant Manager
Mayo Foundation
High Forrest Township
2100 SW Institute Road
Rochester, MN 55901

Plant Manager
McFarland Oil Company
Hibbing, MN 55746

Plant Manager
Medical Safety Systems, Inc.
2234 Highway 20
Cannon Falls, MN 55009

Plant Manager
Metals Reduction Company
355 University Ave East
St. Paul, MN 55101

Plant Manager
Metro Airports Commission
Mpls-St.Paul
International Airport
Bloomington, MN 55450

Physical Plant Engineer
Metropolitan State University
403 Marie Ave
St Paul, MN 55118

Plant Manager
Mid America Dairymen
212 East 1st Street
Winthrop, MN 55396

Physical Plant Engineer
Midway Hospital
1700 University Ave
St. Paul, MN 55104

Plant Manager
Midwest Electrical Products, In
Highway 22 North
P.O. Box 910
Mankato, MN 56001

Plant Manager
Minneapolis Commodity Corp.
1340 Water Street NE
St. Paul, MN 55107

[illegible] Center
[illegible]
Minneapolis, MN 55454

Plant Manager
MFI of Minnesota
1200 NW Northdale Blvd
Coon Rapids, MN 55433

Plant Manager
MWCC Burnsville Meter Station
3740 Nicols Road
Burnsville, MN 55337

Plant Manager
MWCC Crystal Meter Station
1953 53rd Street North
Crystal, MN 55430

Gordon Voss
MWCC Stillwater Meter Station
230 East 5th St.
St. Paul, MN 55101

Plant Manger
Macalester College
1600 Grand Ave
St Paul, MN 55105

Plant Manager
Manilda Milling Corporation
43 SE Main St.
Minneapolis, MN 55414

Plant Manager
Manufacturers Safety Co., Inc.
18279 Minnetonka Blvd
Wayzata, MN 55391

Plant Manager
Marigold Foods
15 4th Street
Farmington, MN 55024

Plant Manager
Marigold Foods
420 West Broadway Ave.
Minneapolis, MN 55411

Plant Manager
Marshall Utility
113 South 4th Street
Marshall, MN 56258

Plant Manager
Mathy Construction Company
Minnesota Portable 14
915 Commercial Court
Onalaska, WI 54650

Plant Manager
Mathy Construction Company
Minnesota Portable 23
915 Commercial Court
Onalaska, WI 54650

Plant Manager
Morris Ag Energy Company
South Highway 59
RR 3, PO Box 1234-1
Morris, MN 56267

Plant Manager
Murdock Grain Market
Murdock, MN 56271

Mark Muslowski
Murya, Inc.
443 8th Ave NW
New Brighton, MN 55112

Plant Manager
Nabisco Cream of Wheat
730 NE Stinson Blvd
Minneapolis, MN 55413

Plant Manager
Nahan Printing. Inc.
7000 Saukview Dr.
St. Cloud, MN 56301

Plant Manager
Naval Industries Reserve
Ordnance Plant
4800 East River Road
Fridley, MN 55421-1402

Physical Plant Engineer
Nopeming Nursing Home
Nopeming Social Service Dept
320 W. 2nd St.
Duluth, MN 55802

Plant Manager
Nordic Track
141 Jonathon Blvd
Chaska, MN 55318

Plant Manager
Northern Border Pipeline Co.
Trimont, MN 56176

Cindy Arness
Northern States Power Company
Elk River RDF Processing Plant
414 Nicollet Mall
Minneapolis, MN 55401

Plant Manager
Northern States Power Company
Wescott LNG plant
414 Nicollet Mall
Minneapolis, MN 55401

[illegible] Team Division
[illegible] Facility
[illegible]ration
2121 West Bridge Street

Minnesota Beef Industries, Inc
Highway 212
Buffalo Lake, MN 55314

Physical Plant Engineer
MN Correctional Facility
7525 4th Avenue
Lino Lakes, MN 55104

Physical Plant Engineer
MN Correctional Facility
Highway 61 South
Red Wing, MN 55066

Plant Manager
Minnesota Hydrocarbon, Inc.
7050 Chaparral
Chanhassen, MN 55317

Plant Manager
Minnesota Metals
645 Barge Channel Road
St. Paul, MN 55107

Jan Maggert
Minnesota Particleboard
Box 66
Big Falls, MN 56627

Plant Manager
Minnesota Solvents + Chemical
Corporation
2340 Rose Place
Roseville, MN 55113

Plant Manager
Minnesota Valley Engineering,
Inc.
407 7th Street NW
New Prague, MN 56071

Plant Manager
Mississippi Street Metals
800 Mississippi Street
St Paul, MN 55101

Plant Manager
Modern Concrete.
850 Front St.
Winona, MN 55987

Physical Plant Engineer
Montgomery Ward
1400 University Ave
St. Paul, MN 55104

Scott Potter
Morgan Grain and Feed
P.O. Box 248
Morgan, MN 56266

Plant Manager
Plymouth Foam Products
9540 83rd Ave N
Maple Grove, MN 55369

Plant Manager
Polaris Industries L.P.
Highway 89 South
Roseau, MN 56751

Plant Manager
Poly Foam, Inc.
116 Pine Street South
Lester Prairie, MN 55354

Plant Manager
Potlatch
Stud Mill
Rt. 3, Box 455
Bemidji, MN 56601

Plant Manager
Press On, Inc.
1987 Industrial Blvd
Stillwater, MN 55082

Mr. Joe Teff
Progress Casting Group
2600 Niagara Lane N
Plymouth, MN 55447-4717

Plant Manager
Protox, Inc
14120 23rd Ave North
Minneapolis, MN 55441

Plant Manager
Pyromed Minnesota
c/o Endeco, Inc.
3220 County Rd J
White Bear Lake, MN 55110

Plant Manager
Recomp Waste Processors
St. Cloud Transfer & Recycling
670 No. Highway 10
St. Cloud, MN 56302

Plant Manager
Reid-Rowell, Inc.
210 Main Street West
Baudette, MN 56623

Plant Manager
Riley Brothers Paving
So Highway 9
P.O. Box 108
Morris, MN 56267

[illegible] Manager
River City Asphalt
Portable Boeing 400 Plant

[illegible] Power Team Division
Permit Services Facility
SPX Corporation
205 24th Avenue NW
Owatonna, MN 55060

Plant Manager
OTEC Division
SPX Corporation
Owatonna, MN 55060

Plant Manager
Oak Terrace Nursing Home
14500 County Road 62
Minnetonka, MN 55345

Plant Manager
Oscar Roberts Company
8101 77th Avenue N
Brooklyn Park, MN 55440

Oxbow Power Corporation +
Biosyn Chemical Corporation
Rosemount Cogeneration Project
1770 South Humboldt Avenue
Minneapolis, MN 55403

Plant Manger
PGI Web, Inc.
11354 K-Tel Drive
Minnetonka, MN 55345

Lawrence Rohn
PM Ag Products
225 Childs Road
St Paul, MN 55106

Plant Manager
Peterson Grain DBA
Meriden Elevator
PO Box 47
Meriden, MN 56067

Plant Manager
Pfizer Specialty Minerals, Inc
PCC Satellite Plant
Boise Cascade Papermill
International Falls, MN 56649

Store Manager
Piggly Wiggly
Duluth, MN 55802

Plant Manager
Pillsbury Company
Totinos Frozen Foods
Fridley, MN 55432

Plant Manager
Pillsbury Film Converting Co.
12130 Lynn Ave.
Savage, MN 55378

Plant Manager
Sol Mor Life Systems, Inc.
13000 County Road 6
Plymouth, MN 55441

Physical Plant Engineer
Sears Roebuck Company
425 Rice Street
St. Paul, MN 55103

Plant Manager
Shafer Contracting Company
P.O. Box 128
Shafer, MN 55074

Plant Manager
Shakopee Valley Printing
5101 Valley Industrial Blvd.
Shakopee, MN 55379

Plant Manager
Sherbrook Asphalt
Portable Plant H&B Model 100T
RR 2, PO Box 224
Pelican Rapids, MN 56572

Plant Manager
Snyder General Corporation
300 24th Street NW
Faribault, MN 55021

Plant Manager
Soil Restoration, Inc
7050 Chaparral
Chanhassen, MN 55317

Plant Manager
Spelts Elevators, Inc.
Myrtle Elevator
Myrtle, MN 56070

Store Manager
Spies Grocery
Hibbing, MN 55746

Plant Manager
Spring Valley Feed Specialties
116 E. Jefferson
Spring Valley, MN 55955

Plant Manager
Starry Construction
Cedar Rapids 10032
615 South Lake St
Long Prairie, MN 56347

Plant Manager
Streater/Joyce
408 S. 1st Ave
Albert Lea, MN 56007

Steele Beef Company
East Highway 212
Hector, MN 55342

Warren Gramstad
S & S Concrete
Main St.
P.O. Box 86
Sanborn, MN 56083

Roger Johnson
St. Gabriel's Hospital
815 SE 2nd St.
Little Falls, MN 56345

Plant Manager
St. Hilaire Coop Elevators
Viking Grain Company
Viking, MN 56760

Bill Erickson
St. Joseph's Medical Center
523 N. 3rd St.
Brainerd, MN 56401

Katherine Hawley
St. Jude Medical Center
10 Yorkton Court
Little Canada, MN 55117

Adon Brezicka
St. Olaf Hospital
300 8th Ave NW
Austin, MN 55912

Physical Plant Engineer
St. Paul Athletic Club
340 Cedar Street
St. Paul, MN 55101

St. Peter Regional Treatment
Center
100 Freeman Drive
St. Peter, MN 56082

Physical Plant Engineer
Sacred Heart Church
835 East 5th Street
St. Paul, MN 55106

Plant Engineer
Safety-Kleen Corporation
Burnsville, MN Plant
777 Big Timber Road
Elgin, IL 60123

Plant Engineer
Schmidt Printing, Inc.
1416 Valley High Drive NW
Rochester, MN 55901

Plant Manager
Universal Dynamark
800 Lasalle Ave. SE
Minneapolis, MN 55414

Plant Manager
Universal Plastics
10751 89th Ave. N.
Maple Grove, MN 55369

Plant Manager
Unocal Corporation - St. Paul
Unocal Chemicals
1345 North Meacham Rd
Schaumburg, IL 60196

Plant Manager
Upsher-Smith Labs
14905 23rd Avenue North
Plymouth, MN 55441

Plant Manager
VA Medical Center
1 Veterans Drive
Minneapolis, MN 55417

Raymond Swanson, President
VHA Services
8611 34th Avenue North
P.O. Box F
Lake Elmo, MN 55042

Plant Manager
VTC, Inc.
Bloomington, MN 55425

Plant Manager
Valley Craft, Inc.
2001 So. Highway 61
Lake City, MN 55041

David Bednar
Viking Explosives
12955 Courthouse Blvd
Rosemount, MN 55068

Plant Manager
Viking Press
7000 Washington Ave
Minneapolis, MN 55344

Plant Manager
WLSSD
RDF Facility
27th + Waterfront
Duluth, MN 55803

Tommy Johnson
Water Heater Innovations
3107 Sibley Memorial Hwy
Eagan, MN 55121

Plant Manager
Symbiotech, Inc
1620 Central Ave NE
Minneapolis, MN 55413

Harvey Herb,
Super One Foods
130 Lumberjack Mall
Cloquet, MN 55720

Plant Manager
Super Radiator Coils
6714 Walker Street
Minneapolis, MN 55426

Plant Manager
Sustane Corporation
RR3, PO Box 159
Cannon Falls, MN 55009

John Tebben
Tebben Manufacturing
Route 2, Box 140
Clara City, MN 56222

Plant Manager
Tonka Trading Company
501 Malcome Ave SE
Minneapolis, MN 55414

Mike Tuohy
Tuohy Furniture
42 St. Albans Place
Chatfield, MN 55923

Plant Manager
Twin City Silica
Woodbury, MN

Plant Manager
Ulland Brothers, Inc
Plant 1471 - CMI PVM-10X
PO Box 340
Cloquet, MN 55720

Plant Manager
Ultranautics, Inc.
Crosby, MN 56441

Plant Manager
Unisys
2276 Highcrest Road
Roseville, MN 55113

Sid Greenwaldt
United District Hospital
401 Prairie Ave. No.
Staples, MN 56479

Plant Manager
Division of Central States Div.
[illegible] Defense Center Drive
New Hope, MN 55428

Plant Manager
Wet Jet International LTD.
Paynesville, MN 56362

Plant Manager
Weyerhaeuser
900 Emerald St.
St. Paul, MN 55114-1061

Plant Manager
Willamette Industries, Inc.
Fridley Plant
3800 First Interstate Tower
Portland, OR 97201

Plant Manager
Willmar Community College
Willmar, MN 56201

Plant Manager
Willmar Manufacturing
Division of Waycrosse, Inc.
15407 McGinty Road W.
Minnetonka, MN 55345

Physical Plant Engineer
Willmar State Hospital
Willmar, MN 56201

Physical Plant Engineer
Winona State University
Johnson and Sandborn St
Winona, MN 55987

Plant Manager
Wisconsin Dairies Cooperative
220 St. Paul Street
Box 406
Preston, MN 55965

Plant Manager
Woodcraft Industries, Inc
525 Lincoln Ave SE
St. Cloud, MN 56301

Physical Plant Engineer
Worthington College
1450 College Way
Worthington, MN 56187

Plant Manager
Worthington Truck and Trailer
1999 1/2 Oxford
Worthington, MN 56187

Plant Manager
Zumbro River Band
Innovative Feed Processors,Inc
138 Front Street
Owatonna, MN 55060

Plant Manager
Zytec Corporation
1425 E. Bridge Street
Redwood Falls, MN 56283

GENERAL MILLS, INC.

25 14TH AVENUE NE
MINNEAPOLIS, MN 55421

JACOBSEN, D.A. 0100-0019
ONAN CORPORATION

1400 73RD AVENUE NE
FRIDLEY, MN 55432

WEAVER, R.W. 0100-0020
NAVAL SYSTEMS DIV OF FMC
NAVAL IND RES ORD PLANT
PO BOX 59043, 4800 E RIVER RD
MPLS, MN 55459-0043

KEVIN HELLUM 0100-0044
INDUSTRIAL SPRAY PAINTING

8251 ASHTON AVE NE
FRIDLEY, MN 55432

IRISH, D.M. 0100-0047
FLEXCON COMPANY, INC.

7165 COMMERCE CIRCLE WEST
SOUTH FRIDLEY, MN 55432

DONALD L. BILL 0100-0059
MAXWELL COMMUNICATION CORP
FRIDLEY
5101 INDUSTRIAL BLVD NE
FRIDLEY, MN 55421

F.G. ANDERSON 0100-0061
DOWBRANDS, INC.,PERSONAL CARE
SALON DIVISION
5601 EAST RIVER ROAD
FRIDLEY, MN 55432

CHADBOURNE, D. 0220-0010
DRIVEWAY SERVICES, INC.

RURAL ROUTE 4, BOX 130
DETROIT LAKES, MN 56501

LONGTIN, W. 0220-0015
MAHNOMEN FARMERS COOP GRAIN
ASSOCIATIN-CALLAWAY
PO BOX 38
CALLAWAY, MN 56521

HEYER, D.S. 0220-0016
BECKER COUNTY HIGHWAY DEPT
ASPHALT UNIT
200 EAST STATE STREET
DETROIT LAKES, MN 56501

RILEY, R.W. 0240-0004
SUPERWOOD CORPORATION
NU-PLY DIVISION
PO BOX 518
BEMIDJI, MN 56601

GEBELL, B. 0240-0005
BEMIDJI BLACKTOP, INC.
CEDAR RAPIDS UNIT
3220 HIGHWAY 2 WEST

CHATELLE, J.W. 0020-0008
ASHCON, INC. DIVISION
AITKIN IRON WORKS, INC.
117 1ST ST NW
AITKIN, MN 56431

DAVICH, L.J. 0100-0006
FEDERAL-HOFFMAN, INC.

900 EHLEN DRIVE
ANOKA, MN 55303-7501

LARSON, G.G. 0100-0014
NORTHERN ASPHALT CONST, INC.

11064 RADDISON ROAD NE
MINNEAPOLIS, MN 55434

[illegible] R.N. [illegible]
ORTONVILLE STONE COMPANY

PO BOX 829
SIOUX FALLS, SD 57117

RUSS LINDBERG 0400-0002
CONTINENTAL CAN COMPANY, INC.
CONT BEV PCKG DIV
174 CHESTNUT STREET
MANKATO, MN 56001

BENSE, D. 0400-0004
DOTSON COMPANY, INC.

PO BOX 1270
MANKATO, MN 56001

PAULSEN, A.L. 0400-0006
ARCHER DANIELS MIDLAND CO
SOYBEAN DIVISION
PO BOX 728
MANKATO, MN 56001

AMLIE, J.H. 0400-0007
HONEYMEAD PRODUCTS COMPANY
A HARVEST STATES CO
PO BOX 3247
MANKATO, MN 56002

BRIESE, D. 0400-0009
MANKATO STATE UNIVERSITY

PO BOX 76
MANKATO, MN 56001

DEDERE, J.A. 0400-0012
CRYSTAL COOPERATIVE

PO BOX M
LAKE CRYSTAL, MN 56055

DANCHERTSEN, C.K 0400-0017
WILLIAMS PIPELINE COMPANY
MANKATO TERMINAL
2500 39TH AVE NE, SUITE 246
MINNEAPOLIS, MN 55421

BRAD WOLF 0400-0023
CARGILL, INC.
FLOUR MILLING DIVISION
200 NORTH RIVERFRONT DRIVE
MANKATO, MN 56001

HART, B. 0400-0048
HR LOVEALL CONSTRUCTION, INC.
CEDAR GROVE UNIT
524 MAIN ST SO, BOX 747
WINNEBAGO, MN 56098-0747

B. BURSIEK 0400-0053
HUBBARD MILLING COMPANY
MANKATO FEED MILL PLANT
424 NO FRONT STREET, BOX 8500
MANKATO, MN 56001

PLANT MANAGER 0400-0054
LIME VALLEY ASPHALT COMPANY

PO BOX 271
[illegible] MN [illegible]

[illegible] STATE UNIVERSITY

PO BOX 40
BEMIDJI, MN 56601

GREBE, D.S. 0240-0019
NORTHWOOD PANELBOARD COMPANY

RURAL ROUTE 1, BOX 123
SOLWAY, MN 56678-9731

VALLEY, K. 0300-0002
JACK FROST, INC.
ELEVATOR
8005 BENTON DRIVE NORTH
SAUK RAPIDS, MN 56379

MARK POUND 0300-0006
MAXWELL COMMUNCIATION CORP
ST. CLOUD
PO BOX 1007
ST CLOUD, MN 56302

BONISTALL, D.F. 0300-0011
CHAMPION INTERNATIONAL CORP

PO BOX 338
SARTELL, MN 56377

GRONAU, A. 0300-0019
FERCHE MILLWORK, INC.

BOX 39
RICE, MN 56367

MS. PATTI BOYCE
NORTHERN STATES POWER CO
414 NICOLLET MALL
MINNEAPOLIS, MN 55401

KAMSTRA, A. 0320-0004
BEARDSLEY FARMERS ELEVATOR CO.

BN RAILROAD TRACKS, BOX 297
BEARDSLEY, MN 56211

KIRKEY, C.C. 0320-0006
BARRY FARMERS COOPERATIVE ASSN

PO BOX 248
BARRY, MN 56210

ATHEY, R. 0320-0011
FARMERS COOP ELEVATOR COMPANY

PO BOX 305
ORTONVILLE, MN 56278

BAJARI, J. 0320-0017
BITUMINOUS PAVING, INC.

PO BOX 6
[illegible] MN [illegible]

POTLATCH CORPORATION
NORTHWEST PAPER DIVISION
AVENUE C+ARCH STREET, BOX 503
CLOQUET, MN 55720

WIPPLER, P. 0560-0003
DIAMOND MATCH COMPANY DIV
DIAMOND BRANDS, INC.
1804 CLOQUET AVENUE
CLOQUET, MN 55720-9990

JUNGERS, W. 0560-0004
MOOSE LAKE REGIONAL
TREATMENT CENTER
1000 LAKE SHORE DRIVE
MOOSE LAKE, MN 55767

LARRY E. WINDER 0560-0005
CONOCO, INC.
WRENSHALL PRODUCTS TERMINAL
PO BOX 218
WRENSHALL, MN 55797

BRULE, K.D. 0560-0006
USG INTERIORS, INC.
USG CORPORATION
35 ARCH STREET
CLOQUET, MN 55720-1592

NICHOLS, L. 0560-0011
NORTHERN NATURAL GAS COMPANY
WRENSHALL LNG PLANT
PO BOX 1188
HOUSTON, TX 77251-1188

PETE GEIDANS 0580-0001
BONGARDS CREAMERIES, INC.

13200 COUNTY ROAD 51
NORWOOD, MN 55368

WENDLANDT, R. 0580-0002
WM MUELLER + SONS, INC.
CEDAR RAPIDS STATIONARY
831 PARK AVENUE, BOX 247
HAMBURG, MN 55339

HAGAN, J.J. 0580-0010
COOPERATIVE POWER ASSOCIATION
PEAKING PLANT
PO BOX 393
ST BONIFACIUS, MN 55375

DAVID EKBLAD 0580-0015
INSTANT WEB INCORPORATED

7951 POWERS BOULEVARD
CHANHASSEN, MN 55317

EMERY, D. 0580-0022
MEDALLION KITCHENS

180 INDUSTRIAL BLVD
WACONIA, MN 55387

BIERBAUM, W.O. 0600-0001
AH-GWAH-CHING NURSING HOME

AH-GWAH-CHING, MN 56430

FLOUR MILLS, INC.
OF NUTRITION
PO BOX 407
MAPLETON, MN 56065

LEE HAALA 0500-0005
FARMERS ELEVATOR COMPANY
OF SLEEPY EYE
P.O. BOX 429
SLEEPY EYE, MN 56085

DUNN, G.J. 0500-0006
HARVEST LAND COOPERATIVE
EAST+WEST HOUSE
PO BOX 148
SPRINGFIELD, MN 56087-0148

SCHUTT, R. 0500-0007
OCHS BRICK + TILE COMPANY

PO BOX 106
SPRINGFIELD, MN 56087

LOGUE, D.H. 0500-0008
SLEEPY EYE PUBLIC UTILITIES

130 2ND AVENUE NW
SLEEPY EYE, MN 56085

SPRENGER, W. 0500-0010
NEW ULM PUBLIC UTILITIES
COMMISSION
310 1ST NORTH STREET
NEW ULM, MN 56073

BORRHARDT, E.R. 0500-0012
FARMERS COOP OF HANSKA

PO BOX 6
HANSKA, MN 56041

MENNENGA, M. 0500-0014
PUBLIC UTILITIES COMMISSION

14 NORTH MARSHALL AVENUE
SPRINGFIELD, MN 56087

RAHE, T.C. 0500-0018
SIOUX VALLEY ASPHALT, INC.
WALLNER CONST PLANT 1
PO BOX 683
NEW ULM, MN 56073

BORRHARDT, E.R. 0500-0021
FARMERS COOP OF HANSKA

PO BOX 6
HANSKA, MN 56041

DUNN, G.J. 0500-0034
HARVEST LAND COOPERATIVE
HWY 14 ELEVATOR
PO BOX 148
SPRINGFIELD, MN 56087-0148

[illegible], L.L. 0720-0017
KRAGNES FARMERS ELEVATOR CO
KRAGNES ELEVATOR
RURAL ROUTE 1, BOX 217
MOORHEAD, MN 56560

DEVINE, L.R. 0720-0008
MOORHEAD STATE UNIVERSITY

1104 7TH AVENUE SOUTH
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HELLER, T. 0720-0009
MOORHEAD PUBLIC SERVICE DEPT

PO BOX 779, CITY HALL
MOORHEAD, MN 56561-0779

HARVEY OLSEN 0720-0010
TRI COUNTY COOP ASSOCIATION

PO BOX 168
ULEN, MN 56585

JACOBS, W.T. 0720-0013
AMOCO OIL COMPANY
MOORHEAD TERMINAL
PO BOX 859
MOORHEAD, MN 56560

PIETERICK, W.E. 0720-0014
F-M ASPHALT, INC.
UNIT 1
PO BOX 697
MOORHEAD, MN 56560

LUNNEBORG, W. 0720-0017
HAWLEY COOP ELEVATOR COMPANY

PO BOX 9
HAWLEY, MN 56549

OCONNELL, P.M. 0720-0022
BUSCH AGRIC RESOURCES, INC.
MHD MALT FACILITY
PO BOX 67
MOORHEAD, MN 56560

HESS, K.G. 0720-0026
NORTHERN IMPROVEMENT COMPANY
MADSEN UNIT 40-90
PO BOX 2846
FARGO, ND 58108

HESS, K.G. 0720-0048
NORTHERN IMPROVEMENT COMPANY
BENEDICT S+G PIT
PO BOX 2846
FARGO, ND 58108

JERRY KLEIS 0740-0002
MINNESOTA PIPE LINE CO
CLEARBROOK TANK FARM
PO BOX 70
CLEARBROOK, MN 56634

MEHTA, J.V. 0740-0004
GREAT LAKES GAS TRANSMISON CO
SHEVLIN STATION
2100 BUHL BUILDING

V. REGENNITTER 0640-0004
CLARA CITY COUNTRY FARMERS
COOP
PO BOX A
CLARA CITY, MN 56222

DARWIN LUEDTKE 0640-0005
HARVEST STATES COOPERATIVES
MONTEVIDEO ELEVATOR
PO BOX 432
MONTEVIDEO, MN 56265

HOLWERDA, J. 0640-0007
CARGILL, INC.

MAIN STREET
GLUEK, MN 56261

VERL BUCHANAN 0640-0008
PEAVEY COMPANY

PO BOX 269
MONTEVIDEO, MN 56265

MCCORD, N. 0640-0009
CARGILL, INC.

PO BOX 217
MAYNARD, MN 56260

DONALD BROWN 0660-0001
EF HALS SONS, INC.

PO BOX 237
NORTH BRANCH, MN 55056

NICHOLS, L. 0660-0002
NORTHERN NATURAL GAS COMPANY
NORTH BRANCH STATIN
PO BOX 1188
HOUSTON, TX 77251-1188

JACOBY, P. 0660-0006
HARVEST STATES COOPERATIVES
AMBER MILLING DIV
PO BOX 594
RUSH CITY, MN 55069

LINDA STEVENSON 0660-0017
DIVERSIFIED PRODUCTS, INC.

P.O. BOX 219
WYOMING, MN 55092

SHELDON SEABORN 0720-0001
AMERICAN CRYSTAL SUGAR CO
MOORHEAD FACILITY
101 NORTH 3RD STREET
MOORHEAD, MN 56560-1990

ROBERT JOHNSON 0720-[illegible]
PEAVEY COMPANY
BARNESVILLE ELEVATL
P.O. BOX 2906
MINNEAPOLIS, MN 55402

0940-0010
CONTINENTAL NITROGEN +
RESOURCES CORPORATION
PO BOX 547
SOUTH ST PAUL, MN 55075

HANSEL, M.J. 0940-0011
KOCH REFINING COMPANY
PINE BEND REFINERY
PO BOX 64596
ST PAUL, MN 55164

NICHOLS, L. 0940-0014
NORTHERN NATURAL GAS COMPANY
FARMINGTON STATION
PO BOX 1188
HOUSTON, TX 77251-1188

TAPPER, J. 0940-0016
COPPER SMELTING + REFINING CO

3385 HIGHWAY 149 SOUTH
EAGAN, MN 55121

SAND, M.H. 0940-0018
MCNAMARA CONTRACTING CO INC.

14605 JOHNNY CK RIDGE RD
APPLE VALLEY, MN 55124-6897

ANDERSON, M.L. 0940-0020
CON AGRA, INC.
FLOUR MILLING DIVISION
2005 VERMILLION STREET
HASTINGS, MN 55033

DANCHERTSEN, C.K 0940-0021
WILLIAMS PIPELINE COMPANY
ROSEMOUNT TERMINAL
2500 39TH AVE NE, SUITE 246
MINNEAPOLIS, MN 55421

FRANKLIN, L.L. 0940-0027
PACKER RIVER TERMINAL, INC.

620 EAST RICHMOND
SOUTH ST PAUL, MN 55075

JACOBY, L.E. 0940-0029
SOLBERG AGGREGATE COMPANY

PO BOX 238
SOUTH ST PAUL, MN 55075

PETERSON, R.J.
COMMERCIAL ASPHALT COMPANY
10633 89TH ANENUE NORTH
MAPLE GROVE, MN 55369

BIERAUGEL, R.H.
J.L. SHIELY COMPANY
1101 NORTH SNELLING AVENUE
ST PAUL, MN 55108

DANNER, M. 0940-0038
DANNER, INC.

PO BOX 222

LTV STEEL MINING CO
TACONITE HARBOR POWER PLANT
PO BOX 847
HOYT LAKES, MN 55750

THORESON, M.I. 0800-0006
EDWIN E. THORESON, INC.

PO BOX 507
GRAND MARAIS, MN 55604

BAUMGARD, J. 0840-0001
COOPERATIVE ELEVATOR COMPANY

PO BOX 99
WINDOM, MN 56101

ROGER MORTENSON 0840-0003
COOPERATIVE ELEVATOR COMPANY

MOUNTAIN LAKE, MN 56159

INEZ J. LANGE 0840-0004
LAND O LAKES, INC.
DAIRY PRODUCTION DIVISION
PO BOX 116
MINNEAPOLIS, MN 55440-0116

LANE STEELE 0840-0007
THE TORO COMPANY

174 16TH STREET
WINDOM, MN 56101

JOHN VALENTIN 0840-0008
MEADOWLAND FARMERS COOP
STORDEN ELEVATOR
PO BOX 338
LAMBERTON, MN 56152

JOHNSON, R. 0840-0009
CARGILL, INC.

PO BOX 428
BINGHAM LAKE, MN 56118

STOFFREGEN, M.W. 0840-0013
L.C. KRUSE + SONS, INC.
WINDOM STATIONARY
PO BOX 898
LAKEFIELD, MN 56150

HORN, D.J. 0900-0002
POTLATCH CORPORATION
NW PAPER DIVISION
1801 MILL AVENUE NE
BRAINERD, MN 56401-2198

WESTEMEIER, M.W. 0900-0022
LAKE'S AREA ASPHALT, INC.

4357 HIGHWAY 210 NE
BRAINERD, MN 56401

HANSEL, M.J.
KOCH REFINING
SULFURIC ACID
PO BOX 64596
ST PAUL, MN 55164

[illegible] 1000-0002
CONCORD COOP

PO BOX 436
WEST CONCORD, MN 55985

ROGER EHLER 1000-0003
EHLER'S PAINT SHOP

HIGHWAY 14 EAST, P.O. BOX 70
DODGE CENTER, MN 55927

HAUGEBERG, J. 1000-0006
CARGILL, INC.

PO BOX 699
DODGE CENTER, MN 55927

TOM WINKELS 1000-0014
MCNEILUS TRUCK AND MFG, INC.

HIGHWAY 14 EAST, P.O. BOX 70
DODGE CENTER, MN 55927

ANDERSON, D.W. 1020-0002
NORTHERN MILK PRODUCTS

PO BOX 98
ALEXANDRIA, MN 56308

SEVERSON, P.R. 1020-0003
MINNESOTA MINING + MFG
ALEXANDRIA FACILITY
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3301

MYERS, J.K. 1020-0006
WILLIAMS PIPELINE COMPANY
ALEXANDRIA TERMINAL
2500 39TH AVE N.E. #246
MINNEAPOLIS, MN 55421

BAILEY, J. 1020-0011
MCLAUGHLIN + SCHULZ, INC.
ALEXANDRIA STATIONARY
PO BOX 201
MARSHALL, MN 56258

BACKES, N. 1020-0020
MIDCON PAVING, INC.
STATIONARY
PO BOX 156
ANNANDALE, MN 55302

DENNIS P. NAGLE 1020-0021
POPE-DOUGLAS WASTE-TO-ENERGY
PLANT
305 8TH AVENUE WEST
ALEXANDRIA, MN 56308

DUMMER, R. 1200-0001
BLUE EARTH FARMERS ELEVATOR
COMPANY
PO BOX 65
BLUE EARTH, MN 56013

HANSON, R. 1200-0002
BLUE EARTH LIGHT + WATER DEPT

118 EAST 6TH STREET

[illegible]
SURF INDUSTRIES, INC.
HASTINGS ELEVATOR
14930 240TH STREET EAST
HASTINGS, MN 55033

MADORE, D.R. 0940-0043
METROPOLITAN WASTE CONTRL COM
SENECA PLANT
MEARS PARK CTR, 230 E 5TH ST
ST PAUL, MN 55101

FRANK E. BABIK 0940-0044
CONTINENTAL CAN COMPANY
CONTINENTAL GROUP, INC.
1205 EAGAN INDUSTRIAL ROAD
EAGAN, MN 55121

MACDONALD, B. 0940-0051
CROWN CORK + SEAL COMPANY, INC.

8415 220TH STREET WEST, BOX L
LAKEVILLE, MN 55044

GREG FALEN 0940-0066
SPECTRO ALLOYS CORPORATION

PO BOX 10
ROSEMOUNT, MN 55068-2599

VAN HOVEN, E.G. 0940-0070
VAN HOVEN COMPANY, INC.

PO BOX 56
SOUTH ST PAUL, MN 55075

STEVEN ISAACSON 0940-0093
WEST PUBLISHING COMPANY

3773 HIGHWAY 149
EAGAN, MN 55123

PETERSON, P.G. 0940-0095
BITUMINOUS ROADWAYS, INC.
CEDAR RAPIDS UNIT
2825 CEDAR AVENUE SOUTH
MINNEAPOLIS, MN 55407

D. HOLMGREN 0940-0104
ECOLAB, INC.
RESEARCH CENTER
840 SIBLEY MEMORIAL HWY
MENDOTA HEIGHTS, MN 55118

KLINE, J. 0940-0117
FISCHER SAND + AGGREGATE CO
ALL PITS
6801 WEST 150TH STREET
APPLE VALLEY, MN 55124

BAKKE, W.W. 0940-0123
NORTHWESTERN AGGREGATES, INC.
SAND +GRAVEL
400 WEST 61ST STREET
MINNEAPOLIS, MN 55419

EVANS, A.K. [illegible]-0128
GRANGR[illegible]

PO BOX 32
SOUTH ST PAUL, MN 55075

ALBERT LEA MEAT PROCESSING

PO BOX 1059
ALBERT LEA, MN 56007-1059

VERL BUCHANAN 1260-0017
PEAVEY COMPANY
GLENVILLE ELEVATOR A
PO BOX 2910
MINNEAPOLIS, MN 55402

JAMES BISEK 1260-0018
SPELTZ ELEVATOR, INC.

P.O. BOX 446
MYRTLE, MN 56070

VERL BUCHANAN 1260-0022
PEAVEY COMPANY

PO BOX 18A
HAYWARD, MN 56043

JOHNSON, G.A. 1260-0027
CONTINENTAL CASTINGS
ACROMETAL COMPANY
1521 EAST HAWTHORNE
ALBERT LEA, MN 56007

DANCHERTSEN,C.K 1260-0034
WILLIAMS PIPELINE COMPANY
GLENVILLE STATION
2500 39TH AVE NE, SUITE 246
MINNEAPOLIS, MN 55421

VERL BUCHANAN 1260-0040
PEAVEY COMPANY
GLENVILLE ELEVATOR B
PO BOX 2910
MINNEAPOLIS, MN 55402

TURNER, D.R. 1380-0001
ARCHER DANIELS MIDLAND CO
SOYBEAN DIVISION
PO BOX 74
RED WING, MN 55066

LARRY HOLST 1380-0004
PINE ISLAND FARMERS ELEV CO

PO BOX 1037
PINE ISLAND, MN 55963-1037

SCHMITT, W. 1380-0007
USG INTERIORS, INC.
USG CORPORATION
PO BOX 414
RED WING, MN 55066-0414

RICHARD MENSING 1380-0009
MINNESOTA MALTING COMPANY

918 NORTH 7TH STREET, BOX 517
CANNON FALLS, MN 55009

KIRK, J. 1380-0017
CONTINENTAL GRAIN COMPANY

810 LEVEE STREET

EASTON FARMERS ELEVATOR
COMPANY
PO BOX 30
EASTON, MN 56025

KLOOS, M. 1200-0007
WELLS FARMERS ELEVATOR

PO BOX 38
WELLS, MN 56097

NEWMAN, G. 1200-0011
BRICELYN ELEVATOR ASSOCIATION

PO BOX 368
BRICELYN, MN 56014

DEE DEE TERHARK 1200-0018
LOUIS DREYFUS CORPORATION

RURAL ROUTE 1
BLUE EARTH, MN 56013

VERL BUCHANAN 1200-0021
PEAVEY COMPANY

PO BOX 6
WELLS, MN 56097

SCHILTZ, M. 1200-0032
CARGILL, INC.
MARNA ELEVATOR
WEST WILLIS STREET
ELMORE, MN 56027

SUPT. 1240-0001
PUBLIC UTILITIES COMMISSION
ELECTRIC+WATER DEPT
104 SOUTH SECTION AVENUE
SPRING VALLEY, MN 55975

FOUNTAIN, B.J. 1240-0004
AMOCO OIL COMPANY
SPRING VALLEY TERMINAL
ROUTE 2
SPRING VALLEY, MN 55975

LUDTKE, C. 1260-0002
PEAVEY GRAIN COMPANY

PO BOX 60
CLARKS GROVE, MN 56016

SERSHEN 1260-0004
B

411 SOUTH 1ST AVENUE
ALBERT LEA, MN 56007

[illegible] M.J. 1480-0008
SMITH FOUNDRY COMPANY
IRON CASTINGS DIVISION
1855 EAST 28TH STREET
MINNEAPOLIS, MN 55407

GRAHAM, W.F. 1480-0010
NORTHWEST AIRLINES, INC.
MAIN BUILDING B
MPLS/ST PAUL INT AIRPRT,B8930
ST PAUL, MN 55111

GUSTAFSON, G.W. 1480-0011
MINNEAPOLIS ENERGY CENTER
MAIN PLANT
1060 IDS CENTER,80 SO 8TH ST
MINNEAPOLIS, MN 55402

NAGEL, M.J. 1480-0012
UNIVERSITY OF MINNESOTA
MPLS CAMPUS
319 15TH AVENUE SE,SHOPS BLDG
MINNEAPOLIS, MN 55455

BURSH, H.G. 1480-0017
ACME FOUNDRY COMPANY

3161 HIAWATHA AVENUE
MINNEAPOLIS, MN 55406-1999

SCHELL, THOMAS 1480-0019
ADM GRAIN COMPANY
SOO ELEVATOR
PO BOX 15166,COMMERCE STATION
MINNEAPOLIS, MN 55415

FROSCH, N. 1480-0020
AMERICAN NATIONAL CAN COMPANY

150 26TH AVENUE SE
MINNEAPOLIS, MN 55414

EARLE ROBERTS 1480-0021
WASHBURN CHECKERBOARD
GENERAL MILLS, INC.
3716 EIGHT AVENUE S
MINNEAPOLIS, MN 55406

MEYER, W. 1480-0027
ELECTRO-STATIC FINISHING, INC.

3225 COLUMBIA AVENUE NE
MINNEAPOLIS, MN 55418

KENT HOISINGTON 1480-0028
ELECTRIC MACHINERY CO
DRESSER-RAND INDUSTRIES
800 CENTRAL AVENUE NE
MINNEAPOLIS, MN 55413

ERLING SYVERSON 1480-0033
HARVEST STATES COOPERATIVES
ELEVATOR M
1667 N SNELLING AVE,BOX 64594
ST PAUL, MN 55164

SEVERSON, G.E. 1480-0036
REICHHOLD CHEMICALS, INC.

525 25TH AVENUE SE

[illegible] 1480-0038
[illegible]
A DIV OF ADM CO
2100 SO 43RD ST, BOX 17909
MILWAUKEE, WI 53217

KNOPP, M.J.JR. 1380-0031
BEETEL, LTD - ELEVATOR
CENTRAN CORPORATION
PO BOX 335
RED WING, MN 55066

THOMPSON, P.L. 1380-0032
RIVIERA CABINETS, INC.
AN APL CORP
PO BOX 407, INDUSTRIAL PARK
RED WING, MN 55066-0407

HOLMES, J.M. 1380-0036
NORTH STAR ASPHALT COMPANY
STATIONARY
4105 EAST RIVER ROAD NE
ROCHESTER, MN 55904

KLAIR, B.D. 1380-0038
RED WING SOLID WASTE BOILER
FACILITY
PO BOX 34
RED WING, MN 55066

SMITH, J. 1380-0039
S.B. FOOT TANNING COMPANY
TROUT BROOK TANNERY
BENCH STREET
RED WING, MN 55066-0073

JAMES J. FINK 1380-0054
MEDICAL SAFETY SYSTEMS

P.O. BOX 266
CANNON FALLS, MN 55009

OLSON, R.L. 1440-0001
WENDELL FARMERS ELEVATOR
COMPANY
P.O. BOX 228
WENDELL, MN 56590

LECLAIR, M.G. 1440-0002
HERMAN MARKET COMPANY

PO BOX 230
HERMAN, MN 56248

ALLEN MASHEK 1440-0006
ELBOW LAKE COOP GRAIN COMPANY

P.O. BOX 68
ELBOW LAKE, MN 56531-0068

[illegible] 1480-0002
[illegible]/MOUNT SINAI
CENTER
900 SOUTH 8TH STREET
MINNEAPOLIS, MN 55404

JOHNSON, C. 1480-0081
VAN DALE, INC.

PO BOX 337
LONG LAKE, MN 55356

WILEY, ROBERT K 1480-0084
ADM MILLING COMPANY
NOKOMIS MILL
3501 HIAWATHA AVENUE SOUTH
MINNEAPOLIS, MN 55406

HATCH, CHARLES 1480-0085
ADM MILLING COMPANY
ATKINSON PLANT
3745 HIAWATHA AVENUE SOUTH
MINNEAPOLIS, MN 55406

STRUPP, D.D. 1480-0087
FROEDTERT MALT CORPORATION
UNION ELEVATOR
3830 WEST GRANT ST, BOX 712
MILWAUKEE, WI 53201

HALVORSON, J. 1480-0094
BUNGE CORPORATION
MIDWAY ELEVATOR
PO BOX 15046,COMMERCE STATION
MINNEAPOLIS, MN 55415

GIRTZ, W.M. 1480-0098
HITCHCOCK INDUSTRIES, INC.
MINNEAPOLIS PLANT
3701 HARRIET AVENUE SOUTH
BLOOMINGTON, MN 55420

PROTAS, P.J. 1480-0099
PROSPECT FOUNDRY, INC.

1225 WINTER STREET NE
MINNEAPOLIS, MN 55413

HAMMER, D.R. 1480-0100
ADM GRAIN COMPANY
DELMAR 1-4 + KURTH ELEVATORS
PO BOX 15166,COMMERCE STATION
MINNEAPOLIS, MN 55415

ROBERT MURPHY 1480-0114
JAPS-OLSON COMPANY

30 NORTH 31ST AVENUE
MINNEAPOLIS, MN 55411-1694

ROBERTS, E.R. 1480-0115
GENERAL MILLS, INC.
WCCO MPLS ELEVATOR
PO BOX 15003,COMMERCE STATION
MINNEAPOLIS, MN 55415

FLEISCHMANN-KURTH MALTING CO
A DIV OF ADM CO
1717 2ND STREET NE
MINNEAPOLIS, MN 55413

M. INGEMANSON 1480-0041
PURINA MILLS, INC.
BP NUTRITION NO AMERICA,INC.
3901 HIAWATHA AVENUE SOUTH
MINNEAPOLIS, MN 55406

KUZINSKI, P.E. 1480-0043
GAF BUILDING MATERIALS CORP

50 LOWRY AVENUE NORTH
MINNEAPOLIS, MN 55411

JOHN H. HELLWEG 1480-0045
GENERAL MILLS, INC.
PURITY OATS PLANT
1201 JACKSON STREET NE
MINNEAPOLIS, MN 55413

B. BALLANTYNE 1480-0048
PILLSBURY COMPANY
MPLS A MILL+TERMINAL ELEVATOR
335 MAIN STREET SE
MINNEAPOLIS, MN 55414

DAN HENNES 1480-0050
RAHR MALTING COMPANY
MINNEAPOLIS ELEVATOR
P.O. BOX 127
SHAKOPEE, MN 55379

GUSTAFSON, E.L. 1480-0061
ABBOTT/NORTHWESTERN HOSPITAL

800 EAST 28TH STREET
MINNEAPOLIS, MN 55407

RICK KRAUSE 1480-0069
BURDICK GRAIN CO,SHOREHAM EL
DIV OF CONAGRA CORP
600 25TH AVE SE
MINNEAPOLIS, MN 55414

SCOTT, A.M. 1480-0076
SCOTT-ATWATER FOUNDRY COMPANY

780 OSCEOLA AVE
ST. PAUL, MN 55105

EVANS, R. 1480-0078
C.S. MCCROSSAN CONSTRUCTION,
INC.
PO BOX 1240
MAPLE GROVE, MN 55369-1240

LUBIN, S. 1480-0079
[illegible] WELL, INC.
[illegible]ARY AVIONICS DIVISION
2600 RIDGWAY PKWY, MN17-2520
MINNEAPOLIS, MN 55440

[illegible] P. 1480-0167
CITY OF MINNEAPOLIS
ASPHALT PLANT
1915 EAST 26TH STREET
MINNEAPOLIS, MN 55404

JOSEPH WIRTH 1480-0169
CONSOLIDATED CONTAINER CORP

735 NORTH 3RD STREET
MINNEAPOLIS, MN 55401

RICK KRAUSE 1480-0178
PILLSBURY COMPANY
KELLOGG ELEVATOR
525 25TH AVENUE SE
MINNEAPOLIS, MN 55414

MOSHIER, D.D. 1480-0202
ADM GRAIN COMPANY
TWIN CITY ELEVATOR A
PO BOX 15166,COMMERCE STATION
MINNEAPOLIS, MN 55415

BEARD, T. 1480-0209
AMERICAN LINEN SUPPLY COMPANY

700 INDUSTRIAL BLVD NE
MINNEAPOLIS, MN 55413

BOB KOHL 1480-0222
THE PRESS, INC.

18780 WEST 78TH STREET
CHANHASSEN, MN 55317

R. LOWERY 1480-0230
CONAGRA-FRUEN COMPANY
FRUEN OAT MILLING CO
301 THOMAS AVENUE NORTH
MINNEAPOLIS, MN 55405

HAUERWAS, J. 1480-0301
AMERICAN NATIONAL CAN COMPANY

3600 ALABAMA AVENUE
ST LOUIS PARK, MN 55416

GREG DANT 1480-0312
SUPERIOR PLATING, INC.

315 FIRST AVENUE NE
MINNEAPOLIS, MN 55413

PETERSON, P.G. 1480-0315
BITUMINOUS ROADWAYS, INC.
BARBER GREENE UNIT
2825 CEDAR AVENUE SOUTH
MINNEAPOLIS, MN 55407

PRIBIL, T.
PACKER RIVER
CITY MPLS UPPER [illegible]
3750 WASHINGTON AVENUE NORTH

[illegible] 1480-0[illegible]
MIDWEST ASPHALT CORPORATION
CEDAR RAPIDS UNIT
PO BOX 5477
HOPKINS, MN 55343

BYRON ESTES 1480-0124
PIONEER METAL FINISHING

1717 WEST RIVER ROAD NORTH
MINNEAPOLIS, MN 55411

ELI ABRON 1480-0126
AMERICAN SPIRITS GRAPHICS
CORPORATION
801 SE 9TH ST
MINNEAPOLIS, MN 55414

PETERSON, R.B. 1480-0127
OWENS-CORNING FIBERGLAS CORP
ASPHALT+ROOFING DIV
1901 49TH AVENUE NORTH
MINNEAPOLIS, MN 55430

RICK KRAUSE 1480-0129
PEAVEY COMPANY
PIONEER STEEL ELEVATOR
730 2ND AVE S,PEAVEY BLD-1400
MINNEAPOLIS, MN 55402

BRUCE MUNDAHL 1480-0134
UNIVERSAL CIRCUITS, INC.

13305 INDUSTRIAL PARK BLVD
MINNEAPOLIS, MN 55441

MICHAEL MEAGHER 1480-0135
FOTO-MARK, INC.
PLANT II
2411 PILOT KNOB ROAD
MENDOTA HEIGHTS, MN 55150

GOODNOUGH, V.L. 1480-0143
TENNANT COMPANY

701 N LILAC DRIVE,BOX 1452
MINNEAPOLIS,MN 55440-1452

OWENS, R. 1480-0145
FLOUR CITY ARCHITECTURAL
METALS DIV-EG SMITH CP
2637 27TH AVENUE SOUTH
MINNEAPOLIS, MN 55406

SABLE, S.A. 1480-0146
HONEYWELL, INC.
RESIDENTIAL+BLDG CONTROLS DIV.
1985 DOUGLAS DR, MN10-2863
GOLDEN VALY,MN 55422-3992

BUCHHOLZ, M.J. 1480-0163
SCHREIER MALTING COMPANY
ELEVATOR T
3600 DIGHT AVENUE SOUTH
MINNEAPOLIS, MN 55406

KRAUSE, RICK 1480-0165
BURDICK GRAIN COMPANY
MARQUETTE ELEVATOR
730 2ND AVE S,PEAVY BLDG-1400
MINNEAPOLIS, MN 55402

[illegible] 1480-0476
MARIGOLD FOODS, INC.
CLOVERLEAF DIVISION
420 WEST BROADWAY
MINNEAPOLIS, MN 55411

BARBARA ORNES 1540-0003
NORTHERN ENGRAVING CORPORATION

4TH AVENUE NE
SPRING GROVE, MN 55974

SALISBURY, R.S. 1580-0005
POTLATCH CORPORATION
MN WOOD PRODUCTS DIVISION
US HIGHWAY 2 EAST
BEMIDJI, MN 56601

DAVE ANDERSON 1580-0006
UNIVERSAL FROZEN FOODS

PO BOX 552
PARK RAPIDS, MN 56470

HIGGINS, J. 1580-0012
PARK REGION AGGREGATE
BARBER GREENE STATIONARY
RURAL ROUTE 3, BOX 88
PARK RAPIDS, MN 56470

JUSTIN, D.J. 1640-0001
CAMBRIDGE REGIONAL HUMAN
SERVICES CENTER
1235 HIGHWAY 293
CAMBRIDGE, MN 55008

BECKLIN, D.A. 1640-0002
ROYAL OAK ENTERPRISES, INC.

PO BOX 267
ISANTI, MN 55040

CURT FIRMAN 1660-0001
BLANDIN PAPER COMPANY

115 1ST STREET SW
GRAND RAPIDS, MN 55744-3699

KILPATRICK,E.R. 1660-0004
MINNESOTA POWER + LIGHT CO
CLAY BOSWELL PLANT
30 WEST SUPERIOR STREET
DULUTH, MN 55802-2093

HARRIS, P.V. 1660-0010
BLANDIN WOOD PRODUCTS COMPANY

502 COUNTY ROAD 63
GRAND RAPIDS, MN 55744

MEHTA, J.V. 1660-0011
GREAT LAKES GAS TRANSMISON CO
DEER RIVER STATION
2100 BUHL BUILDING
DETROIT, MI 48226

[illegible] 1660-0013
[illegible] INC.

STAR ROUTE, BOX 27

[illegible] 1480-0[illegible]5
BJERKEN GRAIN COMPANY
CALUMET ELEVATOR
730 2ND AVE S,PEAVEY BLD-1400
MINNEAPOLIS, MN 55402

FRANK WIND 1480-0365
GAINES + HANSON PRINTING CO

5197 WINNETKA AVENUE NORTH
NEW HOPE, MN 55428

GUTH, T. 1480-0371
OSCAR ROBERTS CONCRETE
PRODUCTS CO - S+G MINE
8201 BROOKLYN BLVD
BROOKLYN PARK, MN 55445

NAGEL, M.J. 1480-0373
UNIVERSITY OF MINNESOTA
MPLS SE STEAM PLANT
319 15TH AVENUE SE,SHOPS BLDG
MINNEAPOLIS, MN 55455

GUSTAFSON, G.W. 1480-0385
MINNEAPOLIS ENERGY CENTER
NORTH RIVERFRONT PLANT
1060 IDS CENTER,80 SO 8TH ST
MINNEAPOLIS, MN 55402

EDWARD ZAHRATKA 1480-0408
STROUT PLASTICS
A DIVISION OF INNOPAC, INC.
9611 JAMES AVE SOUTH
MINNEAPOLIS, MN 55431

A.D. GARRETT 1480-0414
FLEX-O-PRINT

14329 NORTHDALE BLVD
ROGERS, MN 55374

STURNIEKS, I. 1480-0417
LEEF BROTHERS, INC.

212 JAMES AVENUE NORTH
MINNEAPOLIS, MN 55405

JOSEPH TEFF 1480-0440
ACROMETAL COMPANY
PROGRESS CASTINGS DIVISION
2600 NIAGARA LANE N.
PLYMOUTH, MN 55441-3489

DAHLGREN, G. 1480-0441
FOTO MARK, INC.

12150 TECHNOLOGY DRIVE
EDEN PRAIRIE, MN 55344

BURY, N.C. 1480-0448
BURY + CARLSON, INC.
PERMANENT PLANT
6008 WAYZATA BLVD
GOLDEN VALLEY, MN 55416

JASON SUNDBY 1480-0454
STAR TRIBUNE

800 1ST STREET NORTH

INTERNATIONAL BILDRITE, INC.

ROUTE 8, BOX 1
INTERNATIONAL FALLS, MN 56649

D. KESSLER 1900-0001
DAWSON GRAIN, INC.

PO BOX 297
DAWSON, MN 56232

LEE GUNDERSON 1800-0002
AG PROCESSING, INC.

PO BOX 1020
DAWSON, MN 56232

COLLINS, T. 1800-0009
FARMERS COOP ELEVATOR COMPANY

P.O. BOX 1009
DAWSON, MN 56232-1009

RICHARD JOHNSON 1800-0016
ASSOCIATED MILK PRODUCERS,INC.

RURAL ROUTE 2, BOX 1013
DAWSON, MN 56232

METTNER, A.C. 1840-0001
MIDWEST TIMBER, INC.

MOUNTED ROUTE, BOX 517
TWO HARBORS, MN 55616

WAGNER, D.M. 1840-0003
CYPRUS NORTHSHORE MINING
SILVER BAY DIVISION
10 OUTER DRIVE
SILVER BAY, MN 55614

LAVALLEY, G.C. 1840-0005
DULUTH MISSABE IRON RANGE RR
TWO HARBORS TAC DOC
329 2ND STREET
PROCTOR, MN 55810

SOMERS, S. 1840-0019
LOUISIANA PACIFIC CORPORATION
WAFERBOARD PLANT
PO BOX P, HIGHWAY 2 NORTH
TWO HARBORS, MN 55616

JIM CONROY 1920-0004
LE SUEUR FARMERS ELEVATOR

316 NORTH MAIN STREET
LE SUEUR, MN 56058

J. VANCE TAYLOR 1920-0006
CON AGRA, INC.

100 2ND AVENUE SW
NEW PRAGUE, MN 56071

[illegible] A.G.B. 1920-0007
[illegible] ASPHALT COMPANY

PO BOX 217
KASOTA, MN 56050

CARGILL INC.

ALPHA, MN 56111

HENDRICKSON, M. 1700-0003
FARMERS COOP ELEVATOR OF
LAKEFIELD
201 MINN STREET, BOX 457
LAKEFIELD, MN 56150

GERTSEMA, M. 1700-0008
PRAIRIE LAND COOPERATIVE

P.O. BOX 327
JEFFERS, MN 56145

GORDON, W. 1700-0010
FARMERS COOP ASSN OF JACKSON

PO BOX 228
JACKSON, MN 56143

HALVORSON, J. 1700-0015
BUNGE CORPORATION
MILOMA ELEVATOR
PO BOX 15046,COMMERCE STATION
MINNEAPOLIS, MN 55415

AHRENHOLZ, C. 1740-0002
PRINSBURG FARMERS COOP

PO BOX 56
PRINSBURG, MN 56281

NELSON, C.T. 1740-0005
WILLMAR MUNICIPAL UTILITY COMM

704 LITCHFIELD AVE SW,BOX 937
WILLMAR, MN 56201

STANGELAND, V. 1740-0007
FARM SERVICE ELEVATOR COMPANY
ELEVATOR+FEED MILL
3939 COUNTY RD 5, PO BOX 933
WILLMAR, MN 56201

RON ERICKSON 1740-0023
MIDWEST ALFALFA COMPANY

PO BOX 1527
WILLMAR, MN 56201

MEHTA, J.V. 1760-0014
GREAT LAKES GAS TRANSMISON CO
ST VINCENT STATION
2100 BUHL BUILDING
DETROIT, MI 48226

JIM PAGONIS 1760-0015
VIKING GAS TRANSMISSION COMPAN

P.O. BOX 230
CHANNAHON, IL 60410

MEADOWS, A.W. 1780-0002
BOISE CASCADE CORPORATION
PAPER DIVISION
2ND STREET + 4TH AVE
INTERNATIONAL FALLS, MN 56649

BAILEY, D. 2060-0018
MCLAUGHLIN + SCHULZ, INC.
CMI STATIONARY
PO BOX 201
MARSHALL, MN 56258

BODE, D. 2040-0023
MID CONTINENT CABINETRY, INC.
COTTONWOOD PLANT
67 EAST 2ND NORTH
COTTONWOOD, MN 56229

AL VOUDRIE 2040-0038
MINNESOTA CORN PROCESSORS

400 WEST MAIN ST, SUITE 201
MARSHALL, MN 56250

WATSON, L. 2060-0001
FARMERS ELEVATOR ASSOCIATION

PO BOX 158
HUTCHINSON, MN 55350

R. NIELAND 2060-0002
HUTCHINSON UTILITIES COMMISION

225 MICHIGAN STREET
HUTCHINSON, MN 55350

NEUMANN, W.H. 2060-0003
MINNESOTA MINING + MFG
MAGNETIC TAPE FACILITY
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

GERDES, W.L. 2060-0005
FARMERS COOP ELEVATOR COMPANY

BOX 98
BUFFALO LAKE, MN 55314

SCHUTT, D.J. 2060-0008
MINNESOTA MINING + MFG
CONSUMER PRODUCTS DIV.
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

RAINWATER, J.L. 2060-0019
HERCULES, INC.
PURE CULTURE PRODUCTS DIVISION
PO BOX 100
HUTCHINSON, MN 55350

WENDLANDT, R. 2060-0022
WM MUELLER + SONS, INC.
BARBER GREENE STATIONARY
831 PARK AVENUE, BOX 247
HAMBURG, MN 55339

LONGTIN, W. 2080-0002
MAHNOMEN FARMERS COOP GRAIN
ASSOCIATIN-MAHNOMEN
PO BOX D
MAHNOMEN, MN 56557

OFFICER 2080-0003
J-M ELEVATOR COMPANY

462 WOODHILL DRIVE

FORBUSH, E.D. 1921-0038
INTERSTATE POWER COMPANY
MONTGOMERY STATION
1000 MAIN STREET, BOX 769
DUBUQUE, IA 52004-0769

PETERSON, P.T. 1920-0009
UNIMIN CORPORATION
KASOTA QUARRY
RURAL ROUTE 1, BOX 119A
LE SUEUR, MN 56058

L. GILSON 1920-0017
THE LESUEUR FOUNDRY COMPANY

1409 VINE STREET
LESUEUR, MN 56058

PETERSON, P.T. 1920-0019
UNIMIN CORPORATION
OTTAWA QUARRY
RURAL ROUTE 1, BOX 119A
LE SUEUR, MN 56058

C. GUMBEL 1920-0024
HUBBARD MILLING COMPANY
LESUEUR PET FOOD PLANT
1800 HUBBARD LANE
LESUEUR, MN 56058

HURD, R.M. 1940-0001
LAKE BENTON FARMERS ELEVATOR

110 LINCOLN AVENUE
LAKE BENTON, MN 56149

STOEL, G. 1940-0004
TYLER COOP ELEVATOR

PO BOX 190
TYLER, MN 56178

DUNCAN, J.R. 2040-0001
FARMERS COOP ELEVATOR COMPANY

PO BOX 108
COTTONWOOD, MN 56229

SCOTT SINCLAIR 2040-0002
HARVEST STATES COOPERATIVES
MARSHALL SOUTH ELEV
1667 SNELLING AV, PO BOX 64594
ST PAUL, MN 55164

J.K. MEYERS 2040-0007
WILLIAMS PIPELINE COMPANY
MARSHALL TERMINAL
2500 39TH AVE NE, SUITE 246
MINNEAPOLIS, MN 55421

JEAN GRADEN 2200-0002
FIRST DISTRICT ASSOCIATION

PO BOX 842
LITCHFIELD, MN 55355

ERICKSON, T. 2200-0004
MIDCON PAVING, INC.

PO BOX 156
ANNANDALE, MN 55302

MARTENS, W. 2200-0005
CARGILL, INC.

106 EAST DEPOT
LITCHFIELD, MN 55355

JOHN TULP 2240-0003
SMITH SYSTEM MANUFACTURING CO

1100 SOUTH 10TH STREET
PRINCETON, MN 55371

JIM PAGONIS 2240-0004
VIKING GAS TRANSMISSION
MILACA STATION 2217
P.O. BOX 230
CHANNAHON, IL 60410

STEFFUHN, H. 2240-0011
PRINCETON PUBLIC UTILITY COMM

PO BOX 218
PRINCETON, MN 55371

PINZ, D. 2240-0014
PINZ SAND + GRAVEL, INC.
CEDAR RAPIDS STATIONARY
RURAL ROUTE 2, COUNTY RD 131
ISLE, MN 56342

JOHN GOSLINGA 2240-0015
WESTLING MANUFACTURING CO.

705 HIGHWAY 18 SOUTH
PRINCETON, MN 55371

MELDAUS, B.R. 2360-0002
HENNEPIN PAPER COMPANY

PO BOX 90
LITTLE FALLS, MN 56345

JOHNSON, L.H. 2360-0019
UNITY FAMILY HEALTH CARE

815 2ND STREET SE
LITTLE FALLS, MN 56345-3596

JOHN EBERT 2360-0023
CAMP RIPLEY

P.O. BOX 348
[illegible]

[illegible] 2180-0011
GRANT LINES GAS TRANSMISSION CO
T.R. FALLS STATION
2100 BUHL BUILDING
DETROIT, MI 48226

JOHNSON, L. 2180-0016
HARVEST STATES COOPERATIVES
WARREN ELEVATOR
PO BOX 160
WARREN, MN 56762

RICHARD JORDE 2180-0018
NEWFOLDEN COOP ELEVATOR ASSN
NEWFOLDEN ELEVATOR
PO BOX 157
NEWFOLDEN, MN 56738

STOFFERAN, B. 2180-0003
TRUMAN FARMERS ELEVATOR
COMPANY
PO BOX 68
TRUMAN, MN 56088-0068

FORSLUND, E.D. 2180-0007
INTERSTATE POWER COMPANY
FOX LAKE STATION
1000 MAIN STREET, BOX 769
DUBUQUE, IA 52004-0769

C.R. LEWIS 2180-0008
MINNESOTA MINING + MFG
FAIRMONT FACILITY
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

RONALD HARTWIG 2180-0009
PUBLIC UTILITIES COMMISSION

100 DOWNTOWN PLAZA, BOX 751
FAIRMONT, MN 56031-0751

HALVORSON, J. 2180-0016
BUNGE CORPORATION
FAIRMONT ELEVATOR
PO BOX 15046,COMMERCE STATION
MINNEAPOLIS, MN 55415

EDMONDSON, D. 2180-0017
L.H. GRAIN COMPANY

PO BOX 378
WELCOME, MN 56181

EDMONDSON, D. 2180-0018
L.H. GRAIN COMPANY

109 NORTH BRIDGEMAN
NORTHROP, MN 56075

VERL BUCHANAN 2180-0019
PEAVEY COMPANY

PO BOX 206
WELCOME, MN 56181

EDMONDSON, D. 2180-0033
L.H. GRAIN COMPANY

21 SOUTH MAIN STREET
SHERBURN, MN 56171

C. ALBINSON 2660-0002
PRAIRIE PROCESSING, INC.

INDUSTRIAL PARK, BOX 273
ADA, MN 56510

HINDERMANN, M.J. 2660-0003
ROCHESTER SAND + GRAVEL, INC.
STATIONARY
4105 EAST RIVER ROAD NE
ROCHESTER, MN 55904-3424

NELSON, R. 2660-0004
ALL AMERICAN COOP
STEWARTVILLE ELEVATOR
PO BOX 125
STEWARTVILLE, MN 55976

AVERY, E. 2660-0005
OLMSTED WASTE-TO-ENERGY FACILI

301 SILVER CREEK ROAD NE
ROCHESTER, MN 55904

CORY LANDGREN 2660-0006
INTERNATIONAL BUSINESS
MACHINES CORPORATION
US HWY 52 N + 37TH STREET NW
ROCHESTER, MN 55901

DOUGLASS, C.M. 2660-0008
SAINT MARYS HOSPITAL

1216 2ND STREET SW
ROCHESTER, MN 55902-1970

WOGEN, R.A. 2660-0009
QUARVE + ANDERSON COMPANY
CR-16, CR-5 + WP-1
2430 MARION ROAD SE
ROCHESTER, MN 55904

ROOT, H.A. 2660-0010
ASSOCIATED MILK PRODUCERS, INC.

700 1ST AVENUE SE
ROCHESTER, MN 55904

HENSEL, J.S. 2660-0011
ROCHESTER PUBLIC UTILITY
SILVER LAKE PLANT
4000 EAST RIVER ROAD NE
ROCHESTER, MN 55904-2813

DANCHERTSEN, C.K 2660-0013
WILLIAMS PIPELINE COMPANY
EYOTA TERMINAL
2500 39TH AVE NE, SUITE 246
MINNEAPOLIS, MN 55421

KELLEY, C.P. 2660-0015
SHAMROCK ENTERPRISES
ORONOCO STATIONARY
6415 BANDEL ROAD NW
ROCHESTER, MN 55901

WEBB, J.S. 2660-0019
FRANKLIN HEATING STATION

119 SW 3RD STREET

DAVIS, L.E. 2401-0011
AUSTIN UTILITIES
NE PLANT
500 4TH AVENUE NE, BOX 368
AUSTIN, MN 55912

D.L. BOIN 2420-0002
GEORGE A HORMEL + COMPANY

P.O. BOX 367
AUSTIN, MN 55912

PETERSON, R. 2420-0005
ULLAND BROTHERS, INC.
PLANT 1421
PO BOX 340
CLOQUET, MN 55720

DAVIS, L.E. 2420-0011
AUSTIN UTILITIES
4TH AVENUE PLANT
500 4TH AVENUE NE, BOX 368
AUSTIN, MN 55912

SCHMITZ, N. 2440-0011
SCHMITZ GRAIN COMPANY

PO BOX 175
CURRIE, MN 56123-0175

CARLSTROM, B.J. 2540-0012
NEW ULM QUARTZITE
QUARRIES, INC.
RURAL ROUTE 5, BOX 21
NEW ULM, MN 56073

LUTTEKE, E. 2560-0011
UNITED COOP

PO BOX 37
BIGELOW, MN 56117

BAILEY, J. 2560-0018
WORTHINGTON ASPHALT CO
MCLAUGHLIN + SCHULZ, INC.
PO BOX 541
WORTHINGTON, MN 56187

JOHNSON, L.P. 2560-0026
CONTINENTAL GRAIN COMPANY
WAYNE FEED DIVISION
PO BOX 549
WORTHINGTON, MN 56187

WAGAR, G.W. 2580-0001
HALSTAD ELEVATOR COMPANY, INC.

HALSTAD, MN 56548

GUNTER, M.W. 2580-0005
SPECIALTY FEED PRODUCTS DIV
TRADE ONE, INC.
301 EAST MAIN STREET
ADA, MN 56510

WAPING, D. 2710-0014
MID AMERICA DAIRYMEN, INC.
NORTHERN DIVISION
301 SO. BUSE ST.,BOX 657
FERGUS FALLS, MN 56538-0657

DAYLE JOHNSON 2720-0036
QUADRANT COMPANY
PERHAM RESOURCE RECOVRY FACLTY
215 SOUTH CASCADE STREET
FERGUS FALLS, MN 56537

DAN EDWARDS 2720-0048
FERGUS FALLS MUNICIPAL
SOLID WASTE-ENERGY PLANT
112 WEST WASHINGTON AVE
FERGUS FALLS, MN 56537

ANDERSON, G. 2780-0001
FARMERS COOP GRAIN + SEED ASSN

PO BOX 525
THIEF RIVER FALLS, MN 56701

MILLER, R.E. 2780-0002
ST HILAIRE COOP ELEVATORS

PO BOX 128
ST HILAIRE, MN 56754

VIGNESS, L. 2780-0011
NORTHWEST MEDICAL CENTER

120 LABREE AVENUE SOUTH
THIEF RIVER FALLS, MN 56701

INMAN, D. 2840-0015
CARGILL, INC.

PO BOX 766
PIPESTONE, MN 56164

SALONEN, M. 2840-0016
FARMERS COOP ELEVATOR COMPANY

PO BOX 413
PIPESTONE, MN 56164

LARRY CARLSON 2880-0001
AMERICAN CRYSTAL SUGAR CO
CROOKSTON PLANT
101 NORTH 3RD STREET
MOORHEAD, MN 56560-1990

HEGGE, K.A. 2880-0002
AMERICAN CRYSTAL SUGAR CO
EAST GRAND FORKS PLANT
101 NORTH 3RD STREET
MOORHEAD, MN 56560-1990

URNESS, M. 2880-0004
BELTRAMI FARMERS ELEVATOR

BELTRAMI, MN 56517

[illegible] 2660-0000
ROCHESTER PUBLIC UTILITY
[illegible] CREEK PLANT
4000 EAST RIVER ROAD NE
ROCHESTER, MN 55904-2813

MOSILL, G.P. 2660-0022
CRENLO, INC.
PLANT 2
1630 4TH AVENUE NW
ROCHESTER, MN 55901

CARL TRETINYAK 2660-0049
WATERS INSTRUMENTS, INC.

2411 7TH STREET NW, BOX 6117
ROCHESTER, MN 55903

PETER FUSCHEL 2660-0051
HALCON CORPORATION

1811 2ND AVENUE
STEWARTVILLE, MN 55976-0096

KELLEY, C.P. 2660-0053
SHAMROCK ENTERPRISES
ORONOCO QUARRY
6415 BANDEL ROAD NW
ROCHESTER, MN 55901

PAULSON, S. 2660-0055
ELCOR CONSTRUCTION, INC.
KASTLER PIT STATIONARY
700 60TH AVENUE NW
ROCHESTER, MN 55901

ECKMAN-VOEEN,B. 2720-0002
OTTER TAIL POWER COMPANY
HOOT LAKE PLANT
215 SOUTH CASCADE STREET
FERGUS FALLS, MN 56537

NORMAN, D. 2720-0004
FERGUS FALLS REGIONAL
TREATMENT CENTER
PO BOX 157
FERGUS FALLS, MN 56538-0157

TIM SCHONHARDT 2720-0008
FARMERS ELEVATOR COMPANY

PO BOX 671
FERGUS FALLS, MN 56538-0671

IRWIN BUCHHOLZ 2720-0010
CON AGRA FLOUR MILLING CO.

PO BOX 723
FERGUS FALLS, MN 56537

KING, B. 2720-0014
HEINZ PET PRODUCTS

PO BOX 190
PERHAM, MN 56573-0190

JIM PAGONIS 2720-0016
VIKING GAS TRANSMISSION COMPAN

P.O. BOX 230
CHANNAHON, IL 60410

[illegible] 2940-0018
ADM GRAIN COMPANY
ELEVATOR D
575 DRAKE STREET
ST PAUL, MN 55102

RIVETNA, R.M. 2940-0021
AMERICAN NATIONAL CAN COMPANY

755 NORTH PRIOR AVENUE
ST PAUL, MN 55104

WILLIAM HOWE 2940-0024
H.M. SMYTH COMPANY, INC.

PO BOX 64669
ST PAUL, MN 55164

J. A. STROHM 2940-0026
BUCKBEE-MEARS ST PAUL

245 EAST 6TH STREET,6TH FLOOR
ST PAUL, MN 55101

PAUL HAECHREL 2940-0028
THE GILLETTE COMPANY
ST PAUL MFG CENTER
5TH + BROADWAY
ST PAUL, MN 55101

MARAH, S. 2940-0030
ST PAUL RAMSEY MEDICAL CENTER

640 JACKSON STREET
ST PAUL, MN 55101-2505

BUZICKY, R.C. 2940-0032
GROSS-GIVEN MFG COMPANY

75 WEST PLATO BLVD
ST PAUL, MN 55107

NAGEL, M.J. 2940-0034
UNIVERSITY OF MINNESOTA
ST PAUL CAMPUS
319 15TH AVENUE SE
MINNEAPOLIS, MN 55455

DU FRENE, D. 2940-0036
GLOBE BUILDING MATERIALS, INC.

1120 EAST 7TH STREET
ST PAUL, MN 55106

MERLIN ANDERSON 2940-0037
CONAGRA, INC.
B MILL
805 RICE STREET
ST PAUL, MN 55117

KALLAUS, J.P. 2940-0039
FORD MOTOR COMPANY
TWIN CITIES ASSEMBLY PLANT
966 S MISSISSIPPI RIVER BLVD
ST PAUL, MN 55116

WILDNAUER, P.M. 2940-0045
COLLEGE OF ST CATHERINE

2004 RANDOLPH AVENUE - F-16
ST PAUL, MN 55105

UTTERMARK, M.S. 2880-0015
CROOKSTON FARMERS COOP ELEV-5
CROOKSTON GRAIN CO
PO BOX 398
CROOKSTON, MN 56716

NAGEL, M.J. 2880-0016
UNIVERSITY OF MINNESOTA
CROOKSTON CAMPUS
319 15TH AVENUE SE,SHOPS BLDG
MINNEAPOLIS, MN 55455

THILMONY, H. 2880-0020
FARMSCO # 1

701 DEMERS AVENUE
EAST GRAND FORKS, MN 56721

MATTSON, C.J. 2880-0021
FARMERS ELEVATOR COMPANY

PO BOX 123
ELDRED, MN 56532

MARK H. BOBMAN 2880-0051
POLK COUNTY SOLID WASTE
RESOURCE RECOVERY PLANT
P.O. BOX 375
CROOKSTON, MN 56716

BUS MARLOW 2940-0001
ST PAUL BRASS FOUNDRY COMPANY

954 W MINNEHAHA AVENUE
ST PAUL, MN 55104

M KOENIGSBERGER 2940-0015
MINNESOTA MINING + MFG
MAPLEWOOD FACILITY
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

SCHUTT, D.J. 2940-0016
MINNESOTA MINING + MFG
ISD TAPE PLANT
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

MAX LODER 2940-0017
BROWN AND BIGELOW, INC.

345 PLATO BLVD EAST
ST. PAUL, MN 55107

SCOFIELD, R.E. 2940-0019
JACOB SCHMIDT BREWING CO
HEILEMAN BREWING CO,INC
882 WEST 7TH STREET
ST PAUL, MN 55102

BAUDER, M. 2940-0071
KOCH REFINING COMPANY
TANK FARM
778 OTTO AVENUE
ST PAUL, MN 55102

VEIL, R. 2940-0073
UNO-VEN COMPANY
MARKETING AND REFINING DIVISIO
747 SHEPARD ROAD
ST PAUL, MN 55102-3099

ANDERSON, F.R. 2940-0088
NORTHERN IRON CORPORATION

867 FOREST STREET
ST PAUL, MN 55106

CHRISTIAN, W.L. 2940-0108
HAMLINE UNIVERSITY

1536 HEWITT AVENUE
ST PAUL, MN 55104-1284

SCHIFSKY, T.M. 2940-0149
TA SCHIFSKY + SONS, INC.

2370 EAST HWY 36
NORTH ST PAUL, MN 55109

WILSON, M.E. 2940-0172
UNISYS CORPORATION
DEFENSE SYSTEMS
PO BOX 64525, MS-S1A09
ST PAUL, MN 55164-0525

A. KANYOK 2940-0180
THE STROH BREWERY COMPANY

PO BOX 64115
ST PAUL, MN 55164

BLANSKI, D.R. 2940-0186
MIDWEST ASPHALT CORPORATION
H + B UNIT
PO BOX 5477
HOPKINS, MN 55343

MICHAEL GEURTS 2940-0187
PEAVEY RED ROCK ELEVATOR

PO BOX 87
NEWPORT, MN 55055

SHETKA, A.J. 2940-0189
CITY OF ST PAUL
ASPHALT PLANT
900 CITY HALL ANNEX,PUBLC WKS
ST PAUL, MN 55102-1660

ASHBACH JR,B.N. 2940-0197
ASHBACH CONSTRUCTION COMPANY

PO BOX 65738
ST PAUL, MN 55165-0768

KERRY WHITE 2940-0238
ALLIANT TECHSYSTEMS, INC.

MN29-3553, TCAAP
NEW BRIGHTON, MN 55112

BRUCE SVERDRUP 2940-0002
HARVEST STATES COOPERATIVES
ST PAUL ELEVATOR 2
1661 N SNELLING AVE,BOX 64594
ST PAUL, MN 55164

MADORE, D.R. 2940-0053
METROPOLITAN WASTE CONTRL COM
METRO PLANT
MEARS PARK CTR, 230 E 5TH ST
ST PAUL, MN 55101

RIVETNA, R.M. 2940-0054
AMERICAN NATIONAL CAN COMPANY
ST PAUL FACILITY
8770 BRYN MAWR AVENUE
CHICAGO, IL 60631

DAME, DON 2940-0055
NORTH STAR STEEL MINNESOTA

PO BOX 64189
ST PAUL, MN 55164

GRILZ, R.R. 2940-0056
PIER FOUNDRY+PATTERN SHOP,INC.

51 STATE STREET
ST PAUL, MN 55107

VANDEMMELTRAADT 2940-0057
RAYVEN, INC.

431 NORTH GRIGGS STREET
ST. PAUL, MN 55104

ROBICHAUD, B.J. 2940-0062
MAXWELL COMMUNICATION CORP
ST. PAUL
1999 SHEPARD ROAD
ST PAUL, MN 55116

NYMAN, H. 2940-0063
DISTRICT ENERGY ST PAUL, INC.

76 WEST KELLOGG BLVD
ST PAUL, MN 55102-1611

SCHULTE, T.E. 2940-0067
DEPARTMENT OF ARMY
TCAAP
NEW BRIGHTON, MN 55112-5000

STRAUCH, M.S. 2940-0069
AMOCO OIL COMPANY
ROSEVILLE TERMINAL
P.O. BOX 59187
MINNEAPOLIS, MN 55459-0187

DANCHERTSEN,C.K 2940-0070
WILLIAMS PIPELINE COMPANY
ST PAUL TERMINAL
2500 39TH AVENUE NE, #246
COLUMBIA HEIGHTS, MN 55421

GATES, P.D. 2940-0[illegible]
MOBIL OIL CORP[illegible]
ST PAUL TERMIN[illegible]
PO BOX 16318
ST PAUL, MN 55116

ORLEE FARMERS COOP ELEV ASSN

PO BOX 157
ORLEE, MN 56742-0157

BOYLE, J. 3000-0001
SANBORN FARMERS ELEVATOR

SANBORN, MN 56083

JOHN VALENTIN 3000-0014
MEADOWLAND FARMERS COOP
LAMBERTON ELEVATOR
PO BOX 338
LAMBERTON, MN 56152

FISCHER, B. 3000-0016
CONTINENTAL GRAIN COMPANY

PO BOX 576
WALNUT GROVE, MN 56180

WEBER, C.G. 3000-0023
PUBLIC UTILITIES COMMISSION

PO BOX 48
REDWOOD FALLS, MN 56283-0048

FOLKERTS, R. 3040-0002
COOP COUNTRY FARMERS ELEV CO
DANUBE ELEVATOR
PO BOX 98
DANUBE, MN 56230

C. FELTON 3040-0009
FAIRFAX FARMERS ELEVATOR

FAIRFAX, MN 55332

DENNIS PAP 3040-0011
COOP COUNTRY FARMERS ELEV CO
RENVILLE ELEVATOR
PO BOX 604
RENVILLE, MN 56284

DEBELLY, W.D. 3040-0014
SOUTHERN MN SUGAR COOPERATIVE

PO BOX 500
RENVILLE, MN 56284

GERDES, W.L. 3040-0015
FARMERS COOP ELEVATOR COMPANY

PO BOX 98
BUFFALO LAKE, MN 55314

D. PERSSON 3040-0016
COOP COUNTRY FARMERS ELEV CO
SACRED HEART ELEV.
PO BOX 604
RENVILLE, MN 56284

MILLER,D.B. 3060-0005
SHELDAHL, INC.
EAST + WEST FACILITIES
HIGHWAY 3 NORTH
NORTHFIELD, MN 55057

IDEAL SECURITY HARDWARE CORP.

45 EAST MARYLAND AVE
ST. PAUL, MN 55117

ROBERT KOHL 2940-0250
MOGILL-JENSEN, INC.

655 FAIRVIEW AVENUE NORTH
ST PAUL, MN 55104

MAGLIATO, G. 2940-0269
PLATING, INC.

888 NORTH PRIOR AVENUE
ST PAUL, MN 55104

WOLKERSTORFER,J 2940-0292
WOLKERSTORFER COMPANY, INC.

342 FIRST STREET SW
NEW BRIGHTON, MN 55112

HIMES, R.J. SR. 2940-0318
ST PAUL RIVER TERMINAL CORPORA

751 BARGE CHANNEL ROAD
ST PAUL, MN 55107

COMER, J.R. 2940-0326
STONE CONTAINER CORP
CORRUGATED CONTAINER DIV
3075 LONG LAKE ROAD
ROSEVILLE, MN 55113

GREGORY, N. 2940-0353
RED ROCK OF MINNESOTA, INC.

PO BOX 8
NEWPORT, MN 55055

SCHUTT, D.J. 2940-0386
MINNESOTA MINING + MFG
ABRASIVES PLANT
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

JEFF OTTO 2940-0405
PALLET RECYCLING DIVISION

391 TOPPPING STREET
ST. PAUL, MN 55117

BARNES, L.J. 2940-0409
ST PAUL PIONEER PRESS
DISPATCH
#1 RIDDER CIRCLE
ST PAUL, MN 55107

KAZIUKEWICZ,G.L 2940-0410
WALDORF CORPORATION

2250 WABASH AVENUE, BOX 64260
ST PAUL, MN 55164

GORDON JOHNSON 2940-0415
HYDRO-TESA

2039 WHITE BEAR AVENUE
MAPLEWOOD, MN 55109

[illegible] 3260-0010
[illegible] A DIVISION OF USX CORP
MINTAC
PO BOX 417
MT IRON, MN 55768

MAKI, T.M. 3260-0009
LTV STEEL MINING COMPANY
HOYT LAKES TACONITE PLT
PO BOX 847
HOYT LAKES, MN 55750

ANDERSON, B.E. 3260-0011
EVELETH MINES
THUNDERBIRD MINE
PO BOX 180
EVELETH, MN 55734

ROBERTS, E.R. 3260-0012
GENERAL MILLS, INC.
DULUTH ELEVATOR A
200 GARFIELD AVENUE
DULUTH, MN 55802

KILPATRICK, E.R. 3260-0013
MINNESOTA POWER + LIGHT CO
SYL LASKIN PLANT
30 WEST SUPERIOR STREET
DULUTH, MN 55802-2093

HANSEN, GREG A. 3260-0021
CARGILL, INC.
ELEVATORS B + C
PO BOX 459
DULUTH, MN 55801

SANDSTROM, H.E. 3260-0022
DULUTH STEAM COOP ASSOCIATION

ONE LAKE PLACE DRIVE
DULUTH, MN 55802

THOMAS GROSSER 3260-0023
INTERNATIONAL MULTIFOODS CORP
DULUTH EXPORT ELEV
711 BOARD OF TRADE BLDG
DULUTH, MN 55802

CACKOSKI, R.J. 3260-0027
HIBBING PUBLIC UTILITIES
COMMISSION
PO BOX 249
HIBBING, MN 55746-0249

DOUG GANOE 3260-0028
VIRGINIA PUBLIC UTILITIES DEPT

PO BOX 1048
VIRGINIA, MN 55792

HILL, S.A. 3260-0030
HILL WOOD PRODUCTS, INC.

PO BOX 348
[illegible], MN 55723

[illegible] 3160-0003
ST OLAF COLLEGE

NORTHFIELD, MN 55057

COX, D. 3060-0007
CROWN CORK + SEAL COMPANY, INC.

PO BOX 30
FARIBAULT, MN 55021

TOLLEFSON, L.R. 3060-0014
BITUMINOUS MATERIALS, INC.
FAIRBAULT PLANT 1
PO BOX 246
FARIBAULT, MN 55021

BEHM, V. 3060-0018
CARLETON COLLEGE

ONE NORTH COLLEGE STREET
NORTHFIELD, MN 55057-4050

TERRY JOHNSEN 3060-0022
MALT-O-MEAL COMPANY
PLANT 2
PO BOX 180
NORTHFIELD, MN 55057

FAGERNESS, S. 3140-0001
HILLS COOPERATIVE FARM SERVICE

PO BOX 516
HILLS, MN 56138

FRITZ, M.W. 3140-0002
JASPER FARMERS ELEVATOR

PO BOX 266
JASPER, MN 56144-0266

RONALD GOEBEL 3140-0003
LUVERNE FARMERS ELEVATOR CO

402 SOUTH FREEMAN
LUVERNE, MN 56156

THIESSEN, H.D. 3160-0002
MARVIN LUMBER+CEDAR COMPANY
MARVIN WINDOWS DIV
PO BOX 100
WARROAD, MN 56763-0100

FUGLEBERG, T. 3160-0005
SALOL FARMERS UNION COOP
ELEVATOR ASSN
PO BOX 178
ROSEAU, MN 56751

[illegible] 3260-0001
[illegible]TOP COMPANY
[illegible]NT 1
200 SO CENTRAL AVE, BOX 6568
DULUTH, MN 55806

[illegible] 3260-0083
POTLATCH CORPORATION
MN WOOD PRODUCTS DIVISION
PO BOX 1137
COOK, MN 55723

NEMANICH, J. 3260-0086
MESABI BITUMINOUS, INC.
BARBER GREENE UNIT
PO BOX 728
GILBERT, MN 55741

PICKAR, F.J. 3260-0090
ARROWHEAD BLACKTOP COMPANY
ROCK CRUSHING PLANT
200 S CENTRAL AVE, BOX 6568
DULUTH, MN 55806

HUISINGER, R.R. 3260-0094
PHILLIPS PIPE LINE COMPANY
DULUTH TERMINAL
PO BOX 207
ESKO, MN 55733

LAPLANTE, A.L. 3260-0099
HALLETT DOCK COMPANY
DOCK 5
PO BOX 16447
DULUTH, MN 55816-0447

BAKER, G.D. 3260-0112
WESTERN LAKE SUPERIOR
SANITARY DISTRICT
27TH AVENUE WEST + WATERFRONT
DULUTH, MN 55806-1894

ANDERSON, B.E. 3260-0113
EVELETH MINES
FAIRLANE PLANT
PO BOX 180
EVELETH, MN 55734

PERKINS, L. 3260-0115
KINSMAN LINES, INC.

20325 CENTER RIDGE RD, RM 610
ROCKY RIVER, OH 44116

SABIN, R.L. 3260-0120
SBS, INC.
STATIONARY MADSEN
3559 ORDURKE ROAD
HIBBING, MN 55746

KROLL, T.R. 3260-0141
LAKE SUPERIOR PAPER INDUSTRIES

100 NORTH CENTRAL AVENUE
DULUTH, MN 55807

NOONAN, R. 3400-0001
AMERICAN NATIONAL CAN COMPANY

12130 LYNN AVENUE SOUTH
SAVAGE, MN 55378

HALVORSON, J. 3400-0002
BUNGE CORPORATION
PORT BUNGE
PO BOX 15046, COMMERCE STATION
MINNEAPOLIS, MN 55415

[illegible] 3260-0001
BURLINGTON CORPORATION

PO BOX 1927
DULUTH, MN 55816-0267

WAGNER, D.M. 3260-0032
CYPRUS NORTHSHORE MINING
BABBITT DIVISION
10 OUTER DRIVE
SILVER BAY, MN 55614

LAVALLEY, G.C. 3260-0043
DULUTH MISSABE IRON RANGE RR
DULUTH TACONITE DOC
329 2ND STREET
PROCTOR, MN 55810

BERTZ, R.H. 3260-0059
USS GREAT LAKES FLEET, INC.

400 MISSABE BUILDING
DULUTH, MN 55802-1990

JEFFRIES, J.D. 3260-0061
HIBBING TACONITE COMPANY

PO BOX 589
HIBBING, MN 55746

LEHTINEN, L.J. 3260-0062
INLAND STEEL MINING COMPANY
MINORCA MINE
PO BOX 1
VIRGINIA, MN 55792

KROUSE, G.F. 3260-0063
NATIONAL STEEL PELLET COMPANY

PO BOX 217
KEEWATIN, MN 55753-0217

MEHTA, J.V. 3260-0066
GREAT LAKES GAS TRANSMISON CO
CLOQUET STATION
2100 BUHL BUILDING
DETROIT, MI 48226

SCHLIES, R. 3260-0071
C. REISS COAL COMPANY
DULUTH FACILITY
PO BOX 16718
DULUTH, MN 55816

LININGER, W. 3260-0073
ME INTERNATIONAL

200 EAST CARTERETT STREET
DULUTH, MN 55808

LAPLANTE, A.L. 3260-0075
HALLETT DOCK COMPANY
DOCK 6
PO BOX 16447
DULUTH, MN 55816-0447

R.H. HELBLING 3260-0082
[illegible]HERN CASTINGS CORPORATION

[illegible]5E WEST 25TH STREET, BOX 98
HIBBING, MN 55746

IRIGOINE, V. 3400-0030
RIVERSIDE CONSTRUCTION, INC.
CRYSTAL 26019
9714 10TH AVENUE NORTH
PLYMOUTH, MN 55441

HOEPN, D. 3400-0034
MN CORRECTIONAL FACILITY
SHAKOPEE
PO BOX 7
SHAKOPEE, MN 55379

PEARSON, W.G.JR 3400-0041
PRIOR LAKE AGGREGATES, INC.

8680 WEST 158TH STREET
PRIOR LAKE, MN 55372

WEIS, N.J. 3440-0001
CRYSTAL CABINET WORKS, INC.

1100 CRYSTAL DRIVE
PRINCETON, MN 55371

MCCONNON, D. 3440-0003
UNITED POWER ASSOCIATION
DID NOT OPERATE IN 1988
P.O. BOX 800
ELK RIVER, MN 55330-0800

SMITH, D. 3440-0015
ELK RIVER BITUMINOUS, INC.

21591 HIGHWAY 169
ELK RIVER, MN 55330

KREGER, D. 3440-0023
STRAIGHTLINE EXCAVATION, INC.

22460 NW HIGHWAY 169
ELK RIVER, MN 55330

GUETTLER, S. 3500-0013
GREEN ISLE GRAIN + FEED
HAMBURG CLARK FEED MILL
411 SOPHIA AVENUE, BOX 158
HAMBURG, MN 55339

SCHNEIDER, D. 3660-0001
KRAFT FOOD INGREDIENTS CORP.

P.O. BOX 300
ALBANY, MN 56307

WOLF, R. 3660-0003
KRAFT, INC.
EAST PLANT
1000 E KRAFT DRIVE, BOX 307
MELROSE, MN 56352

WEBER, D. 3660-0008
ST JOHNS UNIVERSITY
ORDER OF ST BENEDICT, INC.
COLLEGEVILLE, MN 56321

WALZ, L.
DEZURIK CORP

250 RIVERSIDE DRIVE

DAHLHEIMER 3400-0003
R+R MALTING COMPANY
SHAKOPEE ELEVATOR
P.O. BOX 127
SHAKOPEE, MN 55379

HOLZER, D. 3400-0004
CONTINENTAL GRAIN COMPANY
PORT CONTINENTAL ELEV
BOX 248 HIGHWAY 13
SAVAGE, MN 55378

BARTO, R.J. 3400-0005
ANCHOR GLASS CONTAINER CORP
SHAKOPEE FACILITY
PO BOX 69
SHAKOPEE, MN 55379-0069

HARTMANN, G. 3400-0006
BRYAN ROCK PRODUCTS, INC
MERRIAM JUNCTION QUARRY
PO BOX 215
SHAKOPEE, MN 55379

LOFFLER, G. 3400-0007
CARGILL, INC.
ELEVATOR C, PORT CARGILL
12105 LYNN AVENUE SOUTH
SAVAGE, MN 55378

RICK KRAUSE 3400-0008
PEAVEY COMPANY
RIVER EXPORT ELEVATOR
730 2ND AVE S,PEAVEY BLD-1400
MINNEAPOLIS, MN 55402

RICHARDS, B.D. 3400-0009
RICHARDS ASPHALT COMPANY

12101 YOSEMITE AVENUE SOUTH
SAVAGE, MN 55378

SWENSON, G.A. 3400-0013
CERTAINTEED CORPORATION
SHELTER MATERIALS GROUP
3302 EAST 4TH AVENUE
SHAKOPEE, MN 55379

MEL G. MCPHAIL 3400-0016
CARGILL, INC.
DOMESTIC SOYBEAN PROCESS DIV
12115 LYNN AVENUE SOUTH
SAVAGE, MN 55378

PETERSON, P.T. 3400-0017
UNIMIN CORPORATION
MINNESOTA FRACTURE SAND
RURAL ROUTE 1, BOX 119A
LE SUEUR, MN 56058

GERGEN, C.G. 3400-0020
HARVEST STATES COOPERATIVES
SAVAGE ELEVATOR
1667 N SNELLING AVE,BOX 64594
ST PAUL, MN 55164

HARTMANN, G. 3400-0029
BRYAN ROCK PRODUCTS, INC.
AGGREGATE QUARRY
PO BOX 215
SHAKOPEE, MN 55379

DAILORD MOENKE 3680-0008
MUSTANG MANUFACTURING COMPANY

P.O. BOX 547
OWATONNA, MN 55060

JOHN MOORHOUSE 3680-0005
OTC TOOL AND EQUIPMENT DIV.
SPX CORPORATION
655 EISENHOWER DRIVE
OWATONNA, MN 55060

NICHOLS, L. 3680-0009
NORTHERN NATURAL GAS COMPANY
OWATONNA STATION
PO BOX 1188
HOUSTON, TX 77251-1188

JUHNKE, M. 3680-0014
BENSON - QUINN COMPANY

PO BOX 365
OWATONNA, MN 55060

DON RADTKE 3680-0029
TRUTH DIVISION
SPX CORPORATION
700 WEST BRIDGE STREET
OWATONNA, MN 55060

JEFF BLAM 3700-0002
HARVEST STATES COOPERATIVES

PO BOX 246
MORRIS, MN 56267

NAGEL, M.J. 3700-0003
UNIVERSITY OF MINNESOTA
MORRIS CAMPUS
319 15TH AVENUE SE,SHOPS BLDG
MINNEAPOLIS, MN 55455

HARDERS, P. 3700-0004
CARGILL, INC.

PO BOX 36
ALBERTA, MN 56207

ALAMA, I.E. 3700-0011
MORRIS BLACKTOP SERVICE, INC.

RURAL ROUTE 1
MORRIS, MN 56267

NORBY, R. 3740-0002
WESTERN CONSOLIDATED COOP
APPLETON ELEVATOR
P.O. BOX 78
HOLLOWAY, MN 56249

NORBY, R. 3740-0012
WESTERN CONSOLIDATED COOP
HOLLOWAY ELEVATOR
P.O. BOX 78
HOLLOWAY, MN 56249

[illegible] 3660-0012
MOLDBOARD DIV
WHITE CONSOLIDATED INDUSTRIES
701 NORTH 33RD AVENUE
ST CLOUD, MN 56303

SCHMEISSER, B.A. 3660-0016
AMOCO OIL COMPANY
SAUK CENTRE TERMINAL
PO BOX 71
SAUK CENTRE, MN 56378

WOODRICH, S.B. 3660-0022
HARDRIVES, INC.
ST CLOUD STATIONARY UNIT 701
PO BOX 579
ST CLOUD, MN 56301

LINDGREN, C. 3660-0026
ST CLOUD STATE UNIVERSITY

MAINTENANCE BUILDING
ST CLOUD, MN 56301

TIM SCHAEFER 3660-0027
ELROSA GRAIN AND FEED, INC.

102 STEARNS ST, BOX 60
ELROSA, MN 56325-0060

VRY, DON 3660-0029
MERIDIAN AGGREGATES COMPANY
ST CLOUD QUARRY
PO BOX 69
ST CLOUD, MN 56302

BACKES, N. 3660-0050
MIDCON PAVING, INC.

PO BOX 156
ANNANDALE, MN 55302

SCHUTTLER, D. 3660-0054
STONE CONTAINER CORP
CORRUGATED CONTAINER DIV
PO BOX 1287
ST CLOUD, MN 56302

BOECKMANN, E. 3660-0066
KORONIS MILLS CORPORATION
NORTH + SOUTH MILLS
201 EAST JAMES STREET, BOX 59
PAYNESVILLE, MN 56362

JOSEPH KREMER 3660-0069
PAYNESVILLE ELEVATOR, INC.

PO BOX 226
PAYNESVILLE, MN 56362

KITTELSON, R.D. 3680-0001
BLOOMING PRAIRIE PUBLIC
UTILITY
PO BOX 55
BLOOMING PRAIRIE, MN 55917

ZAK, T.H. 3680-0002
OWATONNA PUBLIC UTILITIES

PO BOX 800
OWATONNA, MN 55060

[illegible] 4000-0010
[illegible]-BOY PETROLEUM CORP.
NEWPORT TERMINAL CO.
4567 WEST 80TH ST, BOX 1324
MINNEAPOLIS, MN 55440

SPRINGER, R.L. 4000-0014
TOWER ASPHALT, INC.

PO BOX 13001
LAKELAND, MN 55043

SEVERSON, P.R. 4000-0017
MINNESOTA MINING + MFG
CHEMOLITE IND ABRASIVES
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

JOHN S. HUNTER 4000-0020
MINNESOTA MINING + MFG
CHEMOLITE PRINT.+PUB. SYS
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

NEUMANN, W.H. 4000-0021
MINNESOTA MINING + MFG
CHEMOLITE MAGNETIC MATERL
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

T.A. JOHNSON 4000-0022
MINNESOTA MINING + MFG
CHEMOLITE SPECIALTY CHEM
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

DANA SCHNOBRICH 4000-0023
MINNESOTA MINING + MFG
CHEMOLITE SPECIALTY FILM
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

HOHENSTEIN, G. 4000-0025
MINNESOTA MINING + MFG
CHEMOLITE INCINERATOR
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

HARTMANN, G. 4000-0054
BRYAN ROCK PRODUCTS, INC.
BAYPORT QUARRY
PO BOX 215
SHAKOPEE, MN 55379

JAMES UNDERDAHL 4000-0068
ROYALINE INDUSTRIES, INC.

794 15TH ST, BOX 110
FOREST LAKE, MN 55025

[illegible] PETERS 4020-0003
[illegible] FARMERS GRAIN COMPANY
[illegible] ELEVATOR
[illegible] NORTH CENTER
[illegible] MN [illegible]

[illegible] D.B. 3980-0005
THE HART PREES, INC.
GEORGE DANTA COMPANY, INC.
13 4TH AVENUE SW
LONG PRAIRIE, MN 56347

KOHLS, D. 3820-0004
WHEATON-DUMONT COOP ELEVATOR

1115 BROADWAY
WHEATON, MN 56296

DANIEL ODEGARD 3900-0001
CONAGRA FLOUR MILL

P.O. BOX 69
WABASHA, MN 55981-0068

LAMB, D. 3900-0002
PILLSBURY COMPANY

905 W. MARION ST, BOX 453
LAKE CITY, MN 55041

HIMMER, D.D. 3900-0008
ALL AMERICAN COOP
ELGIN ELEVATOR
PO BOX 206
ELGIN, MN 55932

WHETSEL, M. 3900-0015
JFI TRANSPORTATION PRODUCTS
ENGINE PRODUCTS GRP
PO BOX 456
LAKE CITY, MN 55041

HEMPHILL, R.A. 3940-0003
WADENA ASPHALT COMPANY

PO BOX 603
WADENA, MN 56482

R. KNUDSON 3980-0006
HARVEST STATES COOPERATIVES

RURAL ROUTE 1, BOX 214
JANESVILLE, MN 56048

SCHUMACHER, J. 3980-0013
BROWN PRINTING COMPANY, INC.
WASECA DIVISION
US HIGHWAY 14 WEST
WASECA, MN 56093

FOWLER, R.M. 4000-0001
ANDERSEN CORPORATION

BAYPORT, MN 55003

SCHUTT, D.J. 4000-0002
MINNESOTA MINING + MFG
CHEMOLITE IND SPECIALTIES
PO BOX 33331, BLDG 21-2W-5
ST PAUL, MN 55133-3331

ROBERT GROSS 4000-0003
ASHLAND PETROLEUM COMPANY
ST PAUL PARK REFINERY
PO BOX 9
ST PAUL PARK, MN 55071

[illegible] 4200-[illegible]
[illegible] MILLING COMPANY
[illegible] FEED MILL PLANT
424 NO FRONT STREET, BOX 8500
MANKATO, MN 56001

BROM, R.P. 4200-0018
BROM MACHINE + FOUNDRY COMPANY

3565 6TH ST.
WINONA, MN 55987

ALTENDORFER, K.M 4200-0022
C. REISS COAL COMPANY
WINONA FACILITY
PO BOX 1040
WINONA, MN 55987

HALLISEY, M.R. 4200-0023
GARNAC GRAIN COMPANY, INC.

PO BOX 105
WINONA, MN 55987

RENK, M.C. 4200-0024
DIAMOND HULLER
UNITED MACHINE + FOUNDRY CORP
PO BOX 26
WINONA, MN 55987

T. FAURUS 4200-0028
HARVEST STATES COOPERATIVES
WINONA ELEVATOR
1667 N SNELLING AVE, BOX 64594
ST PAUL, MN 55164

MCMANEMY, D. 4200-0042
PEAVEY COMPANY
BARGE LOADING FACILITY
PO BOX 65
WINONA, MN 55987

KALIHER, V. 4200-0048
MATHY CONSTRUCTION COMPANY
CR-11 + SR-20
915 COMMERCIAL COURT, BOX 189
ONALASKA, WI 54650

KOTTNER, R. 4200-0049
MODERN TRANSPORT
TERMINAL, INC.
850 FRONT STREET
WINONA, MN 55987

HAINES, R.A. 4200-0052
COMMUNITY MEMORIAL HOSPITAL

855 MANKATO AVENUE
WINONA, MN 55987

FERRELL, D. 4240-0024
MID-MINNESOTA HOT MIX, INC.

PO BOX 239
ANNANDALE, MN 55302

OMANN, D. 4240-0025
OMANN BROTHERS, INC.

PO BOX 112
HANOVER, MN 55341

[illegible] 4[illegible]-[illegible]
LASALLE FARMERS GRAIN COMPANY
LASALLE ELEVATOR
LASALLE, MN 56056

GILBERTSON, R. 4020-0006
WATONWAN FARM SERVICE COMPANY
ST JAMES ELEVATOR
PO BOX 26
ST JAMES, MN 56081

GILBERTSON, R. 4020-0011
WATONWAN FARM SERVICE COMPANY
LEWISVILLE ELEVATR
PO BOX 26
ST JAMES, MN 56081

R. ERICKSON 4120-0003
MINN-KOTA AG PRODUCTS, INC.

PO BOX 175
BRECKENRIDGE, MN 56520

CURT BJERTNESS 4120-0010
WOLVERTON FARMERS ELEVATOR

BOX 69
WOLVERTON, MN 56594

KOHLS, D. 4120-0013
WHEATON-DUMONT COOP ELEVATOR

1115 BROADWAY
WHEATON, MN 56296

M. FORSYTHE 4200-0002
GORMAN COMPANY

508 LOUISA STREET, BOX 314
WINONA, MN 55987

KINTZLE, E.L. 4200-0003
BAY STATE MILLING COMPANY

PO BOX 188
WINONA, MN 55987-0188

BARGE, H. 4200-0004
FIBERITE CORPORATION
AN ICI COMPANY
503 WEST 3RD STREET
WINONA, MN 55987

BEYERSTEDT, R. 4200-0007
STANDARD FOUNDRY COMPANY, INC.

PO BOX 674
WINONA, MN 55987

OWEN, P.J. 4200-0012
BADGER FOUNDRY COMPANY

PO BOX 1306
WINONA, MN 55987

STRUPP, D.D. 4200-0013
FROEDTERT MALT CORPORATION
WINONA PLANT
PO BOX 712
MILWAUKEE, WI 53201

[illegible] 9901-0014
CRANE CREEK ASPHALT, INC.
PORTABLE
32ND AVENUE NW, BOX 246
OWATONNA, MN 55060

KLEIVE, R. 9900-0025
W HODGMAN + SONS, INC.
SEMI-PORTABLE PLANT 1
1100 MARCUS STREET, BOX 1100
FAIRMONT, MN 56031-1100

HOLMES, J.M. 9900-0051
NORTH STAR ASPHALT COMPANY
B GREENE PORTABLE
4105 EAST RIVER ROAD NE
ROCHESTER, MN 55904

KELLEY, C.P. 9900-0055
SHAMROCK ENTERPRISES
SEMI-PORTABLE AUSTIN PLANT
6415 BANDEL ROAD NW
ROCHESTER, MN 55901

JENSEN, G.D. 9900-0069
MATHY CONSTRUCTION COMPANY
MN PORTABLE PLANT 2
915 COMMERCIAL COURT, BOX 189
ONALASKA, WI 54650

TOLLEFSON, L.R. 9900-0100
BITUMINOUS MATERIALS, INC.
PORTABLE PLANT 3
PO BOX 246
FARIBAULT, MN 55021

JENSEN, G.D. 9900-0108
MATHY CONSTRUCTION COMPANY
DUNN PORTABLE PLANT 1
915 COMMERCIAL COURT, BOX 189
ONALASKA, WI 54650

HART, B. 9900-0110
HR LOVEALL CONSTRUCTION, INC.
BOEING PORTABLE
524 MAIN ST SO, BOX 747
[illegible], MN 56098-0747

[illegible], A.P. 4240-0130
ROBSON FEED COMPANY
OF HOWARD LAKE
PO BOX 549
HOWARD LAKE, MN 55349

NOWAK, R. 4240-0039
BUFFALO VENEER + PLYWOOD
COMPANY
501 NE 6TH AVENUE
BUFFALO, MN 55313-0095

ROGER SONNERMAN 4260-0004
HANLEY FALLS FARMERS ELEVATOR

HANLEY FALLS, MN 56245

HENNEN, JOE 4260-0005
CANBY FARMERS GRAIN COMPANY

PO BOX 153
CANBY, MN 56220

RODNEY OLSON 4260-0008
TRI-LINE FARMERS COOPERATIVE
CLARKFIELD ELEVATOR
CLARKFIELD, MN 56223

VRY, D. 4260-0023
MERIDIAN AGGREGATES COMPANY
YELLOW MEDICINE QRRY
PO BOX 69
ST CLOUD, MN 56302

BAUERLY, A.J. 9900-0007
BAUERLY BROTHERS, INC.
PORTABLE PLANT 3
RURAL ROUTE 2
SAUK RAPIDS, MN 56379

STOMMES, J.H. 9900-0016
STOMMES CONSTRUCTION, INC.
PORTABLE CRUSHERS
6113 STATE HIGHWAY 23
ST CLOUD, MN 56301

HICKS, G.D. 9900-0071
BUFFALO BITUMINOUS, INC.
BARBER GREENE
PO BOX 337
BUFFALO, MN 55313

TOLLEFSON, L.R. 9900-0009
BITUMINOUS MATERIALS, INC.
PORTABLE PLANT 2
PO BOX 246
FARIBAULT, MN 55021

[illegible] 9900-0024
CARLSON BROTHERS, INC.
PORTABLE CRUSHER
PO BOX 141
SPRINGFIELD, MN 56087

PETERMEIER, G. 9900-0024
HAWKINSON CONSTRUCTION CO,INC
PORTABLE PLANT 1
PO BOX 278
GRAND RAPIDS, MN 55744

BURMA, J.D. 9900-0031
TRI-CITY PAVING
BARBER GREENE PORTABLE
PO BOX 926
LITTLE FALLS, MN 56345

SKUBIC, A.B. 9900-0048
PREMIER AGGREGATES, INC.
BOEING PORTABLE
PO BOX 961
VIRGINIA, MN 55792

PETERMEIER, G. 9900-0112
HAWKINSON CONSTRUCTION CO,INC
PORTABLE PLANT 2
PO BOX 278
GRAND RAPIDS, MN 55744

KIMINSKI, N. 9900-0114
KIMINSKI BLACKTOP, INC.
PORTABLE
RURAL ROUTE 1, BOX 54
WILLOW RIVER, MN 55795

KOENEMAN, R.D. 9900-0116
NORTHERN MINNESOTA PAVING,INC
PORTABLE
PO BOX 311
INTERNATIONAL FALLS, MN 56649

SKUBIC, A.B. 9900-0133
PREMIER AGGREGATES, INC.
CATERPILLAR PORTABLE
PO BOX 961
VIRGINIA, MN 55792

COHOE, D.JR. 9900-0144
ULLAND BROTHERS, INC.
PORTABLE PLANT 1485
PO BOX 340
CLOQUET, MN 55720

LAINE, E.E. 9900-0149
NORTHLAND CONSTRUCTORS OF
DULUTH, INC.
4843 RICE LAKE ROAD
DULUTH, MN 55803

DEUTSCH, M.R. 9900-0151
GLACIER PAVING, INC.
AEDCO PORTABLE
1000 TALL PINE LANE
CLOQUET, MN 55720

PIETERICK, W.E. 9900-0068
F-M ASPHALT, INC.
UNIT 2
PO BOX 697
[illegible]

[illegible] 9900-0147
ULLAND BROTHERS, INC.
PORTABLE PLANT 1402
PO BOX 340
CLOQUET, MN 55720

WOGEN, R.A. 9900-0122
MATHY CONSTRUCTION
CR-14 + CR-12
915 COMMERCIAL COURT, BOX 189
ONALASKA, WI 54650

WOGEN, R.A. 9900-0123
QUARVE + ANDERSON COMPANY
CR-18 + CR-19
2430 MARION ROAD SE
ROCHESTER, MN 55904

KLEINE, K. 9900-0128
W HODGMAN + SONS, INC.
PORTABLE CRUSHER 240
BOX 1100
FAIRMONT, MN 56031

ROBERT WOOD 9900-0146
SOUTHERN MN CONSTRUCTION CO.

1905 3RD AVE
MANKATO, MN 56002-3024

[illegible] P.N. 9900-0042
NORTHERN PAVING, INC.
SEMI-PORTABLE
102 NORTH BROADWAY, BOX 708
CROOKSTON, MN 56716

SURMA, J.D. 9900-0060
TRI-CITY PAVING
BOEING PORTABLE
PO BOX 326
LITTLE FALLS, MN 56345

COLBENSON, R. 9900-0087
ANDERSON BROTHERS CONST CO
PORTABLE PLANT 4
PO BOX 421
BRAINERD, MN 56401

MINNERATH, S. 9900-0091
STARRY CONSTRUCTION CO, INC.
PORTABLE
615 SOUTH LAKE STREET
LONG PRAIRIE, MN 56347

THORSON, W.S. 9900-0097
THORSON, INC.
PIONEER PORTABLE
PO BOX 40
BEMIDJI, MN 56601

GULLIKSON, T. 9900-0111
TRIPLE T BLACKTOP
WYLIE PORTABLE
MIDDLE RIVER, MN 56737

GESELL, G. 9900-0132
BEMIDJI BLACKTOP, INC.
PORTABLE BOEING PLANT
3220 HIGHWAY 2 WEST
BEMIDJI, MN 56601

JOHNSON, R.N. 9900-0140
NORTHERN PAVING, INC.
PORTABLE PIONEER
102 NORTH BROADWAY, BOX 708

[illegible] J.A. 9900-0156
BORDER STATES PAVING
BARBER GREENE PROCESS PORTABLE
PO BOX 3162
FARGO, ND 58108

WOODRICH, S.B. 9900-0022
HARDRIVES, INC.
BARBER GREENE UNIT 41
PO BOX 579
ST CLOUD, MN 56302

WENDLANDT, R. 9900-0044
WM MUELLER + SONS, INC.
PIONEER PORTABLE
831 PARK AVENUE, BOX 247
HAMBURG, MN 55339

EVANS, R. 9900-0090
C.S. MCCROSSAN, INC.
CMI PORTABLE
PO BOX 1240
MAPLE GROVE, MN 55369-1240

WOODRICH, S.B. 9900-0119
HARDRIVES, INC.
BARBER GREENE UNIT 51
9724 10TH AVENUE NORTH
PLYMOUTH, MN 55441

BLANSKI, D.R. 9900-0126
MIDWEST ASPHALT CORPORATION
CMI UNIT 3
PO BOX 5477
HOPKINS, MN 55343

LONDON, J.E. 9900-0157
RITEWAY SAND + GRAVEL COMPANY
PORTABLE CRUSHERS
2978 13TH TERRACE NW
NEW BRIGHTON, MN 55112

COLBENSON, R. 9900-0003
ANDERSON BROTHERS CONST CO
PORTABLE PLANT 2
PO BOX 421
BRAINERD, MN 56401

ASHWORTH, D.C. 9900-0034
MARK SAND + GRAVEL COMPANY
PORTABLE PIONEER P-1
PO BOX 396
FERGUS FALLS, MN 56537

BITZ BOB, E. 9900-0150
NORTHWEST SURFACING COMPANY
PORTABLE PIONEER
PO BOX 787,4101 BEMIDJI AVE N
BEMIDJI, MN 56601

SCHENKEY, M. 9900-0156
SCHENKEY, INC.
PORTABLE CRUSHERS
ROUTE 2, BOX 16
MIDDLE RIVER, MN 56737

DUININICK, C. 9900-0019
DUININCK BROTHERS
PORTABLE PLANT 7
NORTH COUNTY RD 1, BOX 208
PRINSBURG, MN 56281

SING, N. 9900-0021
FAIRWAY CONSTRUCTION, INC.
PORTABLE
PO BOX 426
HECTOR, MN 55342

STOFFREGEN,M.W. 9900-0029
L.G. KRUSE + SONS, INC.
LAKEFIELD PORTABLE
PO BOX 898
LAKEFIELD, MN 56150

AUSTIN, R.W. 9900-0042
MOONEYS, INC.
PORTABLE
RURAL ROUTE 1
GRANITE FALLS, MN 56241

BAILEY, J. 9900-0065
MCLAUGHLIN + SCHULZ, INC.
KL-35 BARBER GREENE
PO BOX 201
MARSHALL, MN 56258

ISP 91-3 WOODBURY VILLAGE
MR. GREGORY P STRUVE
VICE PRESIDENT/DEVELOPMENT
ROBERT C MUIR COMPANY
ONE APPLETREE SQUARE
SUITE 202-F
BLOOMINGTON MN 55425

ISP 91-4-NORTHWEST AIRLINES BLDG C PARKING EXPANSION
MR. RICHARD WALKER
PROJECT MANAGER, FACILITIES
NORTHWEST AIRLINES, INC
DEPT A 1130
MINNEAPOLIS/ST. PAUL INTERNATIONAL AIRPORT
ST. PAUL MN 55111

ISP 91-5 MANUFACTURER'S MARKET PLACE MALL
MR. JIM MORSE
HORIZON GROUP INC
WATERFRONT CENTER
PO BOX 0510
MUSKEGON MI 49442

ISP 91-6 MALL OF AMERICA
MALL OF AMERICA PERMITTEES
C/O MR. DAVID SELLERGREN
ATTORNEY AT LAW
LARKIN, HOFFMAN, DALY AND LINDGREN, LTD.
1500 NORTHWESTERN FINANCIAL CENTER
7900 XEROXES AVENUE S
BLOOMINGTON MN 55431

ISP 91-7 CARLSON CENTER
MR. DEAN A RIESEN, PRESIDENT
CARLSON REAL ESTATE CO INC
2222 PLAZA VII
45 S 7TH ST.
MPLS MN 55402

ISP 91-8 NORTHLAND PLAZA
MR. AUSTIN CHAPMAN, PRESIDENT
NORTHLAND CO
3500 W 80TH ST.
BLOOMINGTON MN 55431

ISP 91-1 EAGAN HEIGHTS COMMERCIAL PARK
MR. MARTIN F COLON
FEDERAL LAND CO
3470 WASHINGTON DR. SUITE 102
EAGAN MN 55122

ISP 91-9 CSAH 18
MR. BRUCE POLACZYK PE
DESIGN ADMINISTRATIVE ENGINEER
HENNEPIN CTY DEPT OF PUBLIC WORKS
320 WASHINGTON AVE S
HOPKINS MN 55343

ISP 91-11
MR. HARVEY TURNER, DIRECTOR
PLANNING AND PROGRAM FACILITIES MGMT
UNIVERSITY OF MN
503 MORRILL HALL
100 CHURCH ST.
MPLS MN 55455

ISP 90-1 ROSEDALE/WELSH SUBDIVISION
MR. E PAUL DUNN, VICE PRESIDENT
WELSH COMPANIES
11200 W 78TH ST.
EDEN PRAIRIE MN 55344

ISP 90-2 GALLERIA EXPANSION
MR. WARREN BECK, PRESIDENT
GABBERT AND BECK
3510 WEST 70TH ST.
EDINA MN 55435

ISP 90-19 MCGOWAN/BURNSVILLE AMPHITHEATER
MR. MARK J MCGOWAN, PRESIDENT
MCGOWAN DEV CORPORATION
140 NORTH JULIAN STREET
NAPERVILLE, ILLINOIS 60540

ISP 90-4 MANKATO REGIONAL MALL
GENERAL GROWTH DEV INC
215 KEO
PO BOX 1536
DES MOINES IOWA 50306

ISP 90-6 ROCKFORD ROAD PLAZA
MR. WILLIAMM J MCHALE
RYAN CONSTRUCTION CO
700 INTERNATIONAL CENTER
900 2ND AVE S
MPLS MN 55402

ISP 90-8 ROSEDALE CENTER ESP/RENOVATION
MR. CARL PARRAQUE
THE EQUITABLE LIFE ASSURANCE OF THE UNITED STATES
455 NORTH CITY FRONT PLAZA DR. SUITE 3200
CHICAGO ILLINOIS 60611-5553

ISP 90-10 MINNEAPOLIS WEST BUSINESS CTR
MR. RICHARD WEIBLEN
MEPC AMERICAN PROPERTIES INC
TRAVELERS EXPRESS TOWER SUITE 120
1550 UTICA AVE S
ST. LOUIS PARK MN 55416

ISP 90-9 U OF M PARKING FACILITIES
MR. HARVEY TURNER
DIRECTOR, PLANNING AND PROGRAM FACILITIES MGMT.
UNIVERSITY OF MINNESOTA
503 MORRILL HALL
100 CHURCH ST.
MPLS MN 55455

ISP 90-11 THE CONVENTION CENTER HOTEL
MR. MICHAEL MONAHAN DIRECTOR
TRAFFIC ENGINEERING DIVISION
ROOM 233 CITY HALL
350 S 5TH ST.
MPLS MN 55415

ISP 90-13 BASS CREEK BUSINESS PARK
MR. JEFFREY W ESSEN, VICE PRESIDENT
REAL ESTATE DEV
OPUS CORPORATION
PO BOX 150
MPLS MN 55440

ISP 90-14 THE CONVENTION CENTER
MR. MICHAEL MONAHAN DIRECTOR
TRAFFIC ENGINEERING DIVISION
ROOM 233 CITY HALL
350 S 5TH ST.
MPLS MN 55415

ISP 90-15 MEDFORD VILLAGE OUTLET
MS LINDA FRANKEL
MCCATHUR/GLEN GROUP
1250 24TH ST. N.W.
SUITE 220
WASHINGTON DC 20037

ISP 90-16 TRUNK HIGHWAY 101 SHAKOPEE BYPASS
DR. LAWRENCE E FOOTE
MINNESOTA DEPT OF TRANSPORTATION
TRANSPORTATION BLDG
JOHN IRELAND BLVD
ST. PAUL MN 55155

ISP 90-17 WEST PUBLISHING EAGAN CORPORATE CENTER
MR. STEVE BRYANT
MGR. ENGINEERING/MAINTENANCE
W PUBLISHING CO
3773 HIGHWAY 149
EAGAN MN 55123

ISP 90-20 RIVERDALE CROSSING SHOPPING CTR
MR. JAMES STANTON PRESIDENT
SHAMROCK DEV COMPANY
11462 ROBINSON DR.
COON RAPIDS MN 55433

ISP 90-21 NORTHWEST BUS CAMPUS
MR. RONALD L PENTZ
GENERAL MANAGER
THE PRUDENTIAL PROPERTY CO INC
3030 NORTHWEST CENTER
90 S 7TH ST.
MPLS MN 55402

ISP 89-4 CENTRE POINTE BUSINESS PARK
MS SUSAN J NORSTROM
TREASURER
WOODBRIDGE PROPERTIES INC
320 WOODBRIDGE PLAZA
10201 WAYZATA BLVD
MINNETONKA MN 55343

ISP 89-6 DELUXE CORPORATION
MR. GREGG WERLEIN
MANAGER OF BLDG CONSTRUCTION
PO BOX 64468
1005 GRAMSIE RD
ST. PAUL MN 55164-0468

ISP 89-9 WESTGATE OFFICE INDUSTRIAL CTR
MR. CHARLES M TOWLE
PORT AUTHORITY OF THE CITY OF ST. PAUL
1900 AMHOLST TOWER
345 ST. PETER ST.
ST. PAUL MN 55102

ISP 89-10 SOUTHPORT CENTRE
MR. WILLIAM MCCHALE
RYAN CONSTRUCTION CO
700 INTERNATIONAL CENTER
900 2ND AVE S
MPLS MN 55402

ISP 88-3 CLIFF LAKE CENTER
MR. KEVIN HOFFMAN, VICE PRESIDENT
THE HOFFMAN DEV GROUP
2214 EAST 117TH ST.
BURNSVILLE, MN 55337

ISP 88-4 TH55 [HIAWATHA AVENUE]
DR LAWRENCE FOOTE
MINNESOTA DEPT OF TRANSPORATION
TRANSPORTATION BLDG
JOHN IRELAND BLVD
ST. PAUL MN 55155

ISP 88-5 KENSINGTON PUD
MR. THOMAS M BOYCE
PRESIDENT
CENTEX HOMES CORP
BAKER TECHNOLOGY PLAZA
5959 BAKER RD SUITE 300
MINNETONKA MN 55345

ISP 88-6 ST. LOUIS CENTRE
MR. WILLIAM DIXON
CITY MANAGER, CITY OF ST. LOUIS PARK
5005 MINNETONKA BLVD
ST. LOUIS PARK MN 55416

ISP 88-8 HEDBERG SITE DEV
MR. BOYD STOFER
UNITED PROPERTIES
NORTHLAND EXECUTIVE OFFICE CENTER
3500 WEST 80TH ST.
MPLS MN 55431

ISP 88-10 WOODALE CHURCH
MR. TERRY WHITE
WOODALE CHURCH INC
6630 SHADY OAK RD
EDEN PRAIRIE MN 55344

ISP 88-13 RIVERDALE MALL
MR. RONALD F BERLIANT
HOMART DEV CO
XEROX CENTRE/SUITE 3100
55 W MONROE
CHICAGO IL 60603-5060

ISP 87-1 COLONNADE
MR. CHARLES W WYLLIE
VICE PRESIDENT
MINNESOTA CC PROPERTIES INC
C/O MR. EDWIN R HOLMES
GRAY, PLANT, MOOTY, MOOTY AND BENNETT, PA
3400 CITY 33 S 6TH ST.
MPLS MN 55402

AND

MR. DALE IRWIN
VICE PRESIDENT
COLLINS EQUITY
4643 S ULSTER ST. SUITE #1400
DENVER CO 80237

ISP 87-3 CRAY RESEARCH
MR. DAVID DYSON
CRAY RESEARCH INC
608 2ND AVE S
MPLS MN 55402

ISP 87-7 ELM CREEK PUD
MR. JAMES A ALCOTT
VICE PRESIDENT
COWLES MEDIA COMPANY
329 PORTLAND AVE S
MPLS MN 55415

ISP 87-10
MR. RALPH O ROBINSON, PRESIDENT
TOLD DEV CO
6442 CITY WEST PARKWAY SUITE 201
EDEN PRAIRIE MN 55344

ISP 86-5 GROVES OFFICE PARK
MR. PATRICK RYAN, PRESIDENT
RYAN CONSTRUCTION CO
700 INTERNATIONAL CTR
900 AVE S
MPLS MN 55402

ISP 86-7(87) WACHOVIA EAGAN MIXED USED DEV.
MR. JAMES W BLACKBURN
V PRESIDENT
FIRST NATIONAL ASSOCIATION
ANCILLARY TRUSTEE FOR WACHOVIA BANK OF NORTH CAROLINA, NA
PO BOX 3099
WINSTON-SALEM NC 27150

ISP 86-11 TOWN CENTRE 70
MR. CHARLES R BARTHOLDI
LEGAL DEPT
FEDERAL LAND CO
3470 WASHINGTON DR.
SUITE 102
EAGAN MN 55122

Kevin Kelly
ENSR Corp.
35 Nagog Park
Actin, Mass 01820

John Evjen
3965 Meddlebrook Rd.
St. Louis Park, MN 55426

Margaret Herro
501 8th Avenue N.E.
Minneapolis, MN 55413

Attn: Hensel
Rochester Public Utilities
4000 E. River Road N.E.
Rochester, MN 255906-2813

Thorson Inc.
John Leseman
P.O. Box 40
Bemidji, MN 56601

Beverly Eckman-Vosen
Otter Tail Power So.
215 S. Cascade St.
Fergus Falls, MN 56538-0496

Wilbert Springer
New Ulm Public Utilities
310 First North Street
New Ulm, MN 56073

Shiely Co.
Bob Bieraugel
2915 Waters Rd., Suite 105
Eagan, MN 55121

Ken Ische
Bureau of Engraving Corp.
3311 Broadway N.E.
Minneapolis, MN 55413

Larry Carlson
American Crystal Sugar
Box 600
Crookston, MN 56716

Bob Heitzer
Box 444
Butler, Wisconsin 53007

Mr. Richard Osman

Cooperative Plat
1605 Iglehart
St. Paul, MN 55104

Mr. Don Hejna
Potlatch
Rt. 3 Box 455
Bemidji, MN 56601

Mr. Bruce Kelly
Willamette Industries
350 Northco Drive
Fridley, MN 55432

Ms. Annette Cederberg
American Crystal Sugar
101 N. 3rd Street
Moorhead, MN 56560

Mr. Bob Laska
MMT Environmental
4610 N. Churchill St.
St. Paul, MN 55126

Add:

James R. French
SMMPA
500 1st Ave. SW
Rochester, MN 55902

Jeff Carlton
PFIZEZR
640 North 13th Street
Easton, PA 18042

American Electronics Association
5201 Great America Parkway
Santa Clara, California 95054

American Electronics Association
1225 Eye Street, N.W.
Suite 950
Washington,, D.C. 20005

National Steel Pellet Company
P.O. Box 217
Keewatin, Minnesota 55753

Mr. Jerry Drong
Drong and Associates
RR 1, Box 53
Hibbing, Minnesota 55746

Mark Ten Eyck
Popham Haik
3300 Piper Jaffray Tower
Minneapolis, MN 55402

Added:

Ms. Terri Jackson
CITE
P.O. Box 12763
Research Triangle Park, N. Carolina 27709-2763

Mr. Herb Barge
FIBERITE
P.O. Box 5468
Winona, Minnesota 55987-5468

Keith Turner
Willamette Industries, Inc.
3800 First Interstate Tower
Portland, Oregon 97201

Mr. Richard H. Nau, AICP
BRW, Inc.
Thresher Square
700 Third Street So.
Minneapolis, Minnesota 55415

Mr. Matthew Schuerger, P.E.
District Energy
76 West Kellogg Boulevard
St. Paul, MN 55102-1611

Mr. David N. Sauer
Ashland Petroleum Company
P.O. Box 391
Ashland, Kentucky 41114

Sandra M. Broekema, P.E.
16509 Blenheim Way
Minnetonka, MN 55345-2710

Rebecca Flood
MWCC
230 East Fifth Street
St. Paul, Mn 55101

Mr. Doug Schrader
Iron Mining Assoc. of MN
1408 Alworth Building
Duluth, Minnesota 55802

Mr. Al France
Iron Mining Assoc. of MN
1408 Alworth Building
Duluth, Minnesota 55802

Willamette Industries, Inc.
Executive Offices

3800 First Interstate Tower
Portland, OR 97201
(503) 227-5581

May 19, 1992

RECEIVED
MAY 2 1992
MPCA
AIR QUALITY/PD

Ms. Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

COMMENTS ON PROPOSED MINNESOTA RULES PART 7005.1876

Part 7005.1876, Calculation of Actual Emissions for Emission Inventory, specifies acceptable methods for calculating annual emissions of pollutants subject to the inventory and fee rules. The methods proposed in Subparts 1 through 6 may be unnecessarily burdensome to both small facilities and MPCA.

Small facilities are not likely to have CEM data available as described in Subpart 2. Annual stack testing as described in Subpart 3 will likely cost more than the emission fee payment itself for many small facilities. Not all small facilities emit VOC or SO2 and, therefore, cannot take advantage of the methods described in Subparts 4 and 5. Annual submission by large numbers of small facilities and review by MPCA of many facility proposals as described in Subpart 6 seems inefficient as proposed.

Therefore, most small facilities will be depending upon the emission/efficiency factor methods described in Subpart 1. Unfortunately, EPA emission factors and/or control equipment efficiencies may not be available for many emitting processes operated at small facilities. The proposed requirement that non-EPA control equipment efficiencies be annually verified with a performance test would be a significant economic burden to small facilities.

Willamette proposes addition of 7005.1876 Subpart 1(C) providing that any facility using performance test-based emission and/or efficiency factors to calculate total facility-wide inventory emissions at less than 50 tons/year be permitted to use those factors repeatedly as long no substantial process changes are made and total emissions remain less than 50 tpy.

If you have any questions, please feel free to call. Thank You.

Sincerely,

Keith Turner
Environmental Engineer

ATTACHMENT 3

FIBERITE

501 West Third Street
P.O. Box 5468
Winona, Minnesota 55987-5468

(507) 454-3611
Fax (507) 454-5105 or
(507) 454-5106

May 28, 1992

Ref MPCA.528

Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayett Road,
St. Paul, Minnesota 55155-3898

Dear Ms. Florell

Subject: Comments on, Proposed Permanent Rules Relating to Air Emission Permit Fees.

ICI Composites (ICI Fiberite), Winona, Minnesota wishes to comment on Part 7005.1876. Subp 4. Volatile Organic Compound (VOC) Material Balance.

In the equation for the material balance; E = (a - b - c) * (1 - d)

Where a = the amount of VOC entering the process. A signed statement from the supplier separate from the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

ICI Fiberite suggests that the percent component amount of VOC stated in the MSDS is sufficient for such material balance calculations. The percent amount stated in the MSDS is a mid range amount an is of sufficient accuracy to calculate the amount of VOC entering or leaving a system within the plus or minus tolerances for such a method of calculating VOC emissions.

Suppliers have already experienced considerable expense to prepare component data for the MSDS and to force another document to be produced would constitute a redundant, and a financial burden which is not cost effective for any additional accuracy achieved by the method.

Element d of the same equation:

Where d = the overall efficiency of the control device. The paragraph goes on to define the efficiency factor by a performance test conducted in according to part 7005.1860 providing that the performance test took place in the year for which emission are being calculated.

ICI Fiberite is dedicated to reducing the amount of VOC emitted to the atmosphere and has reduced such emissions from some 900 tons in 1989 to 467 tons in 1991. The principle means has been through the use of thermal oxidizers. ICI Fiberite has installed two thermal oxidizers and in the process of acquiring a third. The thermal oxidizers have upon installation been tested for efficiency in the thermal decomposition of VOC's. The thermal oxidizers are monitored for operational temperature continuously when systems are on line.

The cost for annual performance test present an undue financial burden (enclosed is the purchase order for the performance test by and independent laboratory in the amount of $4650.00 for one of our thermal oxidizers) when performance can be documented and assured by monitoring the operating condition of such devices.

ICI Fiberite suggests that continuous performance monitoring when in use should be sufficient for the performance efficiency based on five year conformation of performance efficiency as determined by and independent outside testing service.

Herb Barge

Herb Barge
Facilities Manager
ICI Fiberite, Winona, Mn.

copies:
Steve Flo - Mn
Warren Barth - Mn

enc. (1)

ICI Composites Inc.

PURCHASE ORDER

P.O. MUST APPEAR ON ALL PAPERS	
DATE	12/20/90
PURCHASE ORDER NUMBER	70035402
PAGE	1

SUPPLIER:
INTERPOLL LABORATORIES INC
4500 BALL ROAD N E
CIRCLE PINES MN 55014-1819

SHIP/BILL TO:
ICI Fiberite
515 W. Third Street
Winona, MN 55987

Kathy E.

F.O.B.	SHIP VIA	
NOT APPLICABLE		
TERMS	TAX STATUS SEE TEXT	TAX I.D. NUMBER SEE PLANT SITE
STANDARD		

Plant Sites

2055 E. Technology
Tempe, AZ 85284
(602) 730-2000
#07343233A

645 N. Cypress
Orange, CA 92666
(714) 639-2050
#SS OH 30-650177

501-559 W. 3rd St.
Winona, MN 55987
(507) 454-3611
#4379256

4300 Jackson St.
Greenville, TX 75401
(214) 454-2004
#1-41-1414333-3

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	SHIP DATE	UNIT COST	EXTENSION
			Confirmation - Do Not Duplicate			
			DELIVERY DATE 02/15/91			
1	1.000	LT	Provide State Air Emission Performance Test on No. 6 Hyboy Oven Thermal Oxidizer per proprosal No. 3023 of Dec. 19, 1990. Price includes all tax.		4650.00	4,650.00
			ITEM IS NON TAXABLE			
			DELIVERY TO PLANT Winona, MN 55987			
					TOTAL	4,650.00

PURCHASING AGENT
4711

L. Czaplewski 12/20/90

LISA APLEWSKI 507-454-3611

Metropolitan Waste Control Commission
Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101
612 222-8423

May 29, 1992

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JUN 0 1992
MPCA
AIR QUALITY/PD

Ms. Norma L. Florell
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

SUBJECT: Comments on Proposed Permanent Rules Relating to Air Emission Permit Fees

Dear Ms. Florell:

The Metropolitan Waste Control Commission (MWCC) owns and operates facilities affected by the proposed air emission permit fee rules.

Staff of the MWCC have reviewed the proposed air emission permit fee rules, and have the following comments:

1. Part 7002.0005.

Comment: The scope indicates that the rules "apply to all persons required to obtain an air emission permit .....under parts 7001.1200 to 7001.1350..."

Minn. Rules Part 7001.1210, Subp. 2., Item A.(1) requires odor sources to obtain air emission permits, yet there appear to be no references or requirements in the fee rules for odor sources. Although it appears that, in fact, the rules do not apply to odor sources, one must read the complete rules to determine whether or not odor sources are included.

Suggested Change:

In the scope, language should be included which clarifies that odor sources are not included in the fee structure. In the alternative, Part 7001.1210 could be amended to eliminate the requirement to obtain permits for odor control systems.

2. Part 7002.0035. Item B.

Comment: The proposed rule provides that in FY 1994, and thereafter, the fee may be based on $25 per ton, adjusted for inflation since 1989. Often, the evaluation of the inflation rate depends on the source of the evaluation.

Suggested Change:

We suggest the language from Sec.502.(b)(3)(B) of the 1990 Clean Air Act be incorporated to clarify that the source of the inflation rate data is the Consumer Price Index published by the U.S. Department of Labor.

3. Part 7002.0035. Item C.

Comment: The implication is that the Commissioner may unilaterally increase the fee target by up to five per cent due to nonpayment without any public notification or opportunity for comments.

Suggested Change:

We suggest that the Commissioner be required to provide prior notice of such an increase to all fee-paying affected facilities.

In addition, the enforcement tools provided to the agency should be used to collect unpaid fees, rather than penalizing those who have chosen to comply by paying the fees in a timely manner. It appears as though full enforcement of the provisions of Part 7002.0090 would minimize the need to increase fees due to nonpayment.

4. Part 7005.1876. Subp. 2.

Comment: The rules require reporting of continuous emissions data to the agency in the emissions inventory report. This does not address continuous emission monitors for pollutants not covered by the rules. This would include CEMS for opacity and oxygen, such as the MWCC uses at its facilities.

Suggested Change:

We suggest that the rules state in Subp. 2, "If an affected facility has collected continuous emissions data for regulated pollutants, the facility shall report that data to the agency in its emission inventory."

Should you have any questions on these comments, contact Melba Hensel at 229-2072.

Sincerely,

Rebecca J. Flood
Regulatory Compliance Manager

cc: Joanne Hart
Bob Polta
Jack Geisenhoff

Iron Mining Association of Minnesota

1408 Alworth Building • Duluth, Minnesota 55802 • 218/722-7724

June 3, 1992

Ms. Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN. 55155

Dear Ms. Florell:

Please refer to the attached letter dated August 1, 1991 from Al France to Mr. Mark Strange. While some of our original concerns have been addressed to a degree, many have not. Our industry like many others in the state is working diligently to control costs across the board. We also recognize the need for the MPCA to comply with the Federal Clean Air Act and the Minnesota legislature. It is important that the state make every effort to mitigate the financial duress the rapid escalation of emission fees will create for the taconite industry. It is also apparent that a handful of companies will pay a disproportionate amount of the program costs. There also appears to be no provision to take into account mitigating steps taken by emitters in the years ahead. This is particulatily troublesome when you consider the intent of any federal or state legislation was originally focused on pollution prevention.

In closing let me say that we are also concerned that there is no control mechanism to keep the agency from imposing fees to support the growth of the agency itself and its various programs. Any effort to do so goes well beyond the revenue necessary to administer the Federal Clean Air Act provisions.

Sincerely,

Doug Schradet

Doug Schradet
President

DCS/jck
Encl.

Lake Superior Industrial Bureau

1408 Alworth Building • Duluth, Minnesota 55802 • 218/722-7724

August 1, 1991

Mr. Mark Strange
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN. 55155

Dear Mr. Strange:

While we recognize that the Agency, in establishing rules instituting a new fee requirement covering air quality emissions is following mandates of the Federal Clean Air Act and the Minnesota legislature, we do feel obliged to make these general comments.

Basicly we feel that the utilization of the 1988 emissions inventory as the basis for applying the fee schedule carries with it some real inequities. Use of the 1988 inventory has the result of imposing the great bulk of the cost upon major sources only. In our instance, it appears that the seven taconite operations will be paying more than 15% of the total amount of fees collected. The 1988 emissions inventory fails to address the total profile of pollution sources in the State, thus imposing a disproportionate burden upon those large sources who reported emissions in 1988. This means that the data used does not reflect any mitigating steps that have been taken, or are being taken, resulting in a distortion of the amount of emission on which the fees are based.

Also we question the efficacy of applying the same dollar value to each of the four pollutants. Since some conceivably could be more deleterious than others.

We recognize that these issues may well be addressed as you go to permanent rules, knowing you have little other recourse, under the terms of the legislation, to proceed other than you have. However, as an Industry facing extremely negative economic conditions due to the current decline in the steel industry, the increased costs as a result of the new fee schedule comes at a most difficult time for our Industry, as it strives to respond to intense economic pressures to control and reduce our costs.

Sincerely,

Alfred E. France

Alfred E. France
President

THE IRON MINING INDUSTRY OF MINNESOTA

AEF/jck

Transmitted by FAX
297-7709

June 2, 1992

Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: Proposed Permanent Rules Relating to Air Emission Fees

I would like to make a general comment on the proposed rules published in the State Register on May 4, 1992, and to request that a public hearing on the proposed rules be held.

I would support a modification to the proposed permanent rules relating to Air Emission Fees to recognize the emission offset created by cogeneration of electricity and thermal or mechanical energy. By producing power on site, the traditional electric supplier necessarily produces less power and hence reduces its emissions. Cogeneration is in the public interest (see MN Rules 216B.164) and warrants *maximum possible encouragement.*

Please call me regarding any questions you may have regarding this comment.

Best Regards,

Sandra M. Broekema

Sandra M. Broekema, P.E.
16509 Blenheim Way
Minnetonka, MN 55345-2710
(612) 525-7755 FAX (612) 525-7697

Ashland

Ashland Petroleum Company
DIVISION OF ASHLAND OIL, INC.

P.O. BOX 391 • ASHLAND, KENTUCKY 41114 • (606) 329-3333

ENVIRONMENTAL AFFAIRS DEPARTMENT

RECEIVED
JUN 0 1992
MPCA
AIR QUALITY/PD

June 2, 1992

Ms. Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Dear Ms. Florell:

Ashland Petroleum Company appreciates the opportunity to provide comments on the proposed permanent rules relating to air emission permit fees published at 16 State Register 2394. The establishment of air emission fees in lieu of operating fees is an important milestone in a state's implementation of Title V of the Clean Air Act Amendments of 1990. Title V is designed to allow the state air permitting program to be funded entirely through fees levied on permitted entities. While many states have yet to grapple with the difficulties of establishing these fees, the State of Minnesota is to be commended for the relatively prompt manner in which the funding mechanism was enacted. The state acted wisely in phasing in the fees over three years, thus avoiding the chaos which would have inevitably occurred in 1995 had no money been available to start the new program. In the long run, this will benefit both the Minnesota Pollution Control Agency and the regulated community.

Whereas the fee amounts levied for fiscal years 1992 and 1993 were interim in nature, this rulemaking sets out the permanent procedure to be used from fiscal year 1994 and beyond; therefore, substantial consideration must be given to all provisions since they are intended to raise such large amounts of revenue. Ashland believes that there are certain provisions which must be modified in order that all affected entities are treated equitably.

Part 7002.0035 Air Quality Annual Fee Target

To the extent that the procedure detailed at 7002.0035(B)(2) is used to set the annual fee target, a clarification on the use of a 4,000 ton cap per pollutant is required. The rule refers to a 4,000 ton cap to be used for calculating the annual fee target but is silent on whether the cap extends to the collection of the fee. For example, a facility which emits 6,000 tons of a regulated pollutant will clearly have only 4,000 of those tons considered in the overall fee calculation. The question becomes: will the facility be charged that amount for just those first 4,000 tons or for all 6,000 tons? Ashland strongly urges that the MPCA apply the fee to 4,000 tons only. To act otherwise would have many harmful and unfair effects.

The major problem with not extending the cap to the collection of fees is in the amount of money which will be raised. If a fee target is set using a procedure involving caps it will, by definition, generate more revenue than intended. To return to the example above, if the

dollar per ton figure comes to $25/ton, the facility's share as calculated comes to $100,000 since the 4,000 ton cap is required to be used. If the cap is not extended to fee collection, however, the facility will be forced to pay on all 6,000 tons for a total payment of $150,000. Thus, the facility will be paying an unfair and arbitrary premium due solely to the fact that it is a large source. This scenario will be repeated for facilities across Minnesota and will render the "annual fee target" meaningless and the result is grossly discriminatory against large facilities. To so penalize a facility simply for being large is insupportable and further, it bears no relationship to the costs of administering the program.

This is especially true when one considers that it is the permitting of smaller sources that will drain the resources of the permitting program due to their sheer numbers. A great deal of the cost of a permit is overhead and other routine expenses generated through the processing of each individual permit. A large amount of emissions does not necessarily correlate to the complexity or administrative expense of the permit; indeed, a facility with emissions in the thousands of tons may very well be easier to permit than a small source[1] with a hundred tons or less. Yet under the proposed procedure, the cost of permitting such a small but complex source will be almost completely subsidized by bigger plants. It is easy to see, then, that to force large sources to bear a disproportionate share of the permit program financing is unfair and nonsensical.

While the language of 7002.0035(c)(2) providing that any excess monies collected be applied against the next year's target would seem to preclude the Division of Air Quality from becoming a profit center, due to the virtual guarantee of overcollection it seems certain that the fees will fluctuate dramatically from year to year. This will be a disservice to both the agency and the regulated community as financial planning will become extremely difficult.

In sum, then, it is clear that the agency should add language to these proposed rules explicitly providing that the 4,000 ton per pollutant cap cover the collection of fees as well as the setting of the fee target. This is the simplest way to assure that the emission fee system deals as fairly as possible with all facilities. Nothing in the enabling law, Minnesota Statutes 1991 Supplement, section 116.07, subdivision 4d, would prohibit the agency from extending the cap in this way and in light of the statutory charge to collect fees to cover "..reasonable and routine permitting, implementation, and enforcement costs" (section 116.07, subd. 4d (a), emphasis added) this is the only proper way to achieve that goal.

At 7002.0035(C)(3), the rules provide that the fee target may be increased by up to five percent to cover anticipated nonpayment of fees by some sources. Ashland objects to this provision since it is patently unfair and unlawful to penalize the good corporate citizens of Minnesota for the failures of others. It is the duty of MPCA to deal directly with non-compliant sources; in fact, this would be an enforcement matter, funding for which is assumed in the original fee target (see section 116.07, noted supra). This provision should be deleted.

7005.1875 Emission Inventory

Subpart 1 contains an inconsistency which should be addressed. The annual emission inventory required therein covers both carbon monoxide and all regulated pollutants as well

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[1]Please note that Ashland does not confuse "small source" with "small business". Ashland understands the special concerns of small businesses as regards CAAA implementation.

as a signed certification which states, in part:

> "I understand that the data provided in this document will be used by the MPCA to calculate a fee, which the facility will be required to pay under Minnesota Rules, part 7002.0025, based on the tons of pollution emitted by the facility."

As the MPCA is aware, however, carbon monoxide is explicitly excluded from the list of pollutants to be charged a fee under both the Clean Air Act and Minnesota Statutes, section 116.07, subd. 4d (c)(2). Therefore, Ashland suggests that the words "covering regulated pollutants as defined under Minnesota Rules, part 7002.0015" be inserted after the word "data" in the certification statement so that no confusion is created over the applicability of the emission fees to carbon monoxide.

Subpart 2 contains a reference to November 31, a nonexistent date, which should be corrected.

* * *

In conclusion, Ashland notes that 1992 amendments to the enabling statute, section 116.07, subd. 4d, granted the MPCA the ability to collect emission fees on substances regulated under chapter 7005. This is unquestionably a discretionary duty on the agency's part and Ashland strongly urges the agency not to exercise this authority unless the monies generated by this rulemaking prove inadequate to fund the programs for which they were intended. Using the figure of 461,303 eligible tons as provided in the rule-making, a fee of $25 per ton (the statutory minimum) will provide over $11,500,000 annually, a vast increase over current appropriations. To raise even more money from industry unnecessarily would be to endanger the economic well-being of both those industries and, by extension, the State of Minnesota itself.

Ashland hopes that the MPCA will carefully consider changes proposed by these comments which we feel will result in an evenhanded application of the air emission permit fees. We stand ready to discuss these comments further at your convenience. Thank you for your attention to this matter.

Very truly yours,

David N. Sauer
Regulatory Affairs Coordinator

DNS/caw/sln

District Energy ST. PAUL, INC.

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St. Paul, MN 55102-1611
(612) 297-8955
FAX (612) 221-0353

RECEIVED

JUN 0 1992

MPCA
AIR QUALITY/PD

June 2, 1992

Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Re: Proposed Permanent Rules Relating to Air Emission Fees

Dear Ms. Florell:

District Energy St. Paul would like to comment on the proposed rules published in the State Register on May 4, 1992, and to request a public hearing on the proposed rules.

We have two comments:

1. The proposed rules are appropriate in not including any type of cap on fees. If the fees paid by large emitters are capped, the burden will be shifted to the smaller emitters, who are generally less able to pay than the big emitters. This would be extremely unfair and onerous, and would violate the principle that the "polluter pays."

2. The rules should be adjusted so that the fee paid by a facility which is cogenerating electricity and thermal energy is reduced to reflect the fact that, by cogenerating, this facility allows another facility to reduce its emissions. Cogeneration facilities provide more usable energy per unit of fuel burned (and per unit of air pollutants emitted). The fees should be structured to recognize this offset of emissions, as discussed in the attachment.

Please call me or Mark Spurr at the above number regarding any questions you may have regarding our comments and recommendations.

Sincerely,

Matthew Schuerger, P.E.
Director of Engineering

RECOMMENDED AMENDMENTS TO AIR EMISSION FEE RULES

Rationale for Recommendations on Cogeneration

Ideally, air quality regulations should be structured to recognize that energy efficiency is a powerful pollution control strategy for all air emissions. In the long term we should evolve toward regulation of air emissions on the basis of useful energy provided rather than on the basis of fuel consumed. This is clearly a major shift which will take years to implement.

However, in the short term there is something the Minnesota Pollution Control Agency can do to, in a small way, recognize and encourage the benefits of cogeneration facilities. The PCA can and should modify the air emission fee structure to reduce the fee for cogeneration facilities according to the tons of emissions from other facilities which the cogeneration facility offsets.

If the cogeneration facility is owned by an entity other than the electric utility, that facility allows the electric utility to reduce its emissions. If the cogeneration facility is owned by the electric utility, the facility allows the user of the thermal energy to reduce the emissions that would otherwise result from generation of thermal energy with its own facilities.

Recommended Amendments to the Proposed Rules

Modification of the rules to account for cogeneration can be accomplished with the following recommended changes:

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. **Calculation of Fee.** Operators of affected facilities shall pay an annual emission fee for each ton of a regulated pollutant emitted to the air by the facility. The fee shall be based on the actual emission tonnages as established in the most recent available emission inventory, less the tons avoided through cogeneration per Part 7005.1876, subpart 7. The fees shall be $X for each ton of any regulated pollutant. The value of "X" is as determined in part 7002.0045.

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "X" used in part 7002.0025 shall be computed as follows:

$X = (F-I-P)/(T-A)$

where:

X = Dollars per ton.

F = Total annual fee target; as determined by this part.

I = Total amount to be billed as indirect source permit fees for the previous calendar year, part 7002.0055.

P = Total amount to be billed as new permit fees for the previous calendar year, part 7002.0025, subpart 2.

T = Total number of tons of all regulated pollutants listed in the most recent annual emissions inventory.

A = Total number of tons of emissions avoided through cogeneration, calculated for the previous calendar year per part 7005.1876, subpart 7.

7005.1876 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

add a new subpart 7 as follows:

Subpart 7. **Emissions avoided through cogeneration.** If the facility cogenerates electricity and thermal energy, it may calculate the tons of emissions avoided through cogeneration for the purposes of the fee calculations per part 7002.0025, subpart 1, and part 7002.0045. Calculation of emissions avoided through cogeneration shall be based on either item A. or item B., as appropriate.

A. If the cogeneration facility is owned by an entity other than the electric utility serving the area in which the facility is located, the emissions avoided through cogeneration shall be calculated as follows:

A = CM * (E/UM)

where:

A = emissions avoided through cogeneration.

CM = total megawatt-hours of electricity generated by the cogeneration facility during the calendar year.

UM = sum of total megawatt-hours generated, in the most recent year for which data are available, by intermediate load power plants located in Minnesota which are operated by the electric utility serving the area in which the cogeneration facility is located.

E = sum of total emissions from intermediate load power plants located in Minnesota which are operated by the electric utility serving the area in which the cogeneration facility is located, per the emission inventory for the most recent year for which data on megawatt-hours generated are available.

"Intermediate load power plants" are defined for the purposes of this calculation to be plants which have a capacity factor greater than 15 percent and less than 70 percent.

"Capacity factor" is defined as the total number of megawatt hours actually generated by a power plant divided by the number of megawatt-hours that plant would generate if it operated at its "Actual Summer Capacity" throughout the year.

Data on electric utility power plant capacity factor, actual summer capacity and megawatts generated shall be based on the most recent Advanced Forecasts submitted by the electric utility to the Minnesota Department of Public Service and the Minnesota Environmental Quality Board.

B. If the cogeneration facility is owned by the electric utility serving the area in which the facility is located, the emissions avoided through cogeneration shall be calculated as follows:

$A = CB * (E/UB)$

where:

A = emissions avoided through cogeneration.

CB = total million Btu of thermal energy produced by the cogeneration facility and sold to the thermal host during the calendar year.

UB = million Btu of thermal energy produced, in the previous calendar year, in facilities owned by the thermal host company and used to provide thermal energy to the thermal host facility.

E = emissions from the thermal host facility, per the emission inventory for the previous calendar year.

"Thermal host company" is defined as the company which purchases the thermal output produced by a cogeneration facility.

"Thermal host facility" is defined as the facility which uses the thermal energy produced by a cogeneration facility.

Data on thermal energy produced and sold by the cogeneration facility shall be provided by the electric utility with verification by the thermal host company. Data on thermal energy produced in thermal host facilities shall be provided by the thermal host company.

cms\pcaair

BRW

June 3, 1992

Ms. Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Dear Ms. Florell:

I am writing relative to the Proposed Permanent Rules Relating to Air Emission Permit Fees which were published in the State Register on May 4, 1992. My comments specifically relate to Part 7002.0055 Indirect Source Permit Fees. My comments are based on over ten years of experience during which I have been responsible for the preparation of over 35 Indirect Source Permit Applications and Permit Modification Applications.

I believe that the schedule of fees outlined in Subpart 1 is unclear and subject to arbitrary interpretation. The fee schedule should be straightforward and easily understood by an applicant.

Do the proposed surcharges apply to both a new permit application and a permit modification application?

If a permit modification is requested for a change of ownership, do all surcharges apply? For example, if a project has over 5,000 parking spaces, involves more than one applicant, and a change in ownership is requested, is the fee $1,205 (Modification) + $2,005 (over 5,000 parking spaces) + $2,005 (more than one applicant) + $1,205 (change in ownership) = $6,420? If this is the case, I believe that such a fee is excessive and would encourage applicants to avoid notifying the MPCA of changes in ownership.

Are all of the surcharges additive? For example, is a proposed sports facility with over 10,000 parking spaces subject to both the $2,005 surcharge for over 5,000 parking spaces and the $1,605 surcharge for sports facilities?

B R W INC.

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John B. McNamara
Richard D. Pilgrim
Dale N. Beckmann
Jeffrey L. Benson
Ralph C. Blum
Gary J. Erickson
John C. Lynch
Paul N. Bay

What is the definition of "involvement" of a governmental unit? MPCA practice has been to make the City where a project is located a copermittee regardless of whether the applicant or the city requests it. Is the City then "involved?" If the project then requires a commitment for a roadway improvement from the county, are there more than one "involved" governmental units? In this case, would both the $1,205 roadway improvement surcharge and the $400 multiple governmental unit surcharge apply?

One of the surcharges states "Permit application formally amended during application review process to change size of scope of project." I believe the surcharge should state "...to change size or scope...." What is a change in scope? This should be clearly defined. Should a minor change in a planned project be subject to a surcharge equal to 75 percent of the new permit basic fee?

One of the surcharges is for a "Noise variance applied for." I believe that fees associated with a noise variance should not be linked to an Indirect Source air quality permit. How would the MPCA charge for a noise variance that does not require an Indirect Source Permit?

I agree with the general concept of a basic permit fee plus additional surcharges based on the complexity of the project. I believe that the surcharges should only apply to a new permit application. The schedule of fees should clearly indicate how fees will be calculated and when surcharges will apply.

Thank you for considering these comments.

Sincerely,

BRW, Inc.

Richard H. Nau

Richard H. Nau, AICP
Associate

RHN/nr
cc. Susanne Spitzer, MPCA

Farmers Elevator Association of Minnesota

Since 1907

June 3, 1992

Ms. Norma L. Florell
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Re: Proposed Rules Governing Air Emission Permits and Fees

Dear Ms. Florell:

The Farmers Elevator Association of Minnesota consists of nearly 400 country grain elevators, many of which are regulated by the MPCA due to the potential emission of grain dust (PM 10). Our general response to the proposed fee increases is one of dismay. The expectations of the legislature for the MPCA to perform ever increasing duties while substantially cutting the appropriation is absurd. This is resulting in a 700 per cent increase in fees needed to be collected to maintain MPCA Air Quality activity. We strongly object to this obvious shift to a fee driven agency. In our view, agencies like MPCA and OSHA should not be so heavily dependent upon fees and fines because this forces agencies to assess fees and fines regardless of how much the air or safety of a facility has been improved through proactive efforts by the facility. Where is the financial incentive to voluntarily improve the air quality of a facility? It should be an integral part of the agency program. It is unclear in your proposal how an annual fee would be adjusted down, assuming a substantial decrease in "actual" emissions resulting from action required through OSHA regulations, for example. If we can quantify air quality improvement, a corresponding reward should be integrated into your program which will result in less permitting to be required and a shifting of financial resources to areas of greater need. We welcome the opportunity to explore this area with MPCA.

The wide range of regulated pollutants handled by MPCA requires a wide range of permit time by staff. While the MPCA is agreeing to base fees on actual emissions that will provide a more accurate form for fee assessment, the formula used to determine the fee for new facilities results in a disproportionate assessment upon a grain elevator. The paper work and permit time required for PM 10 emission sources, such as grain elevators, is substantially less than that required for sulfur dioxide, lead and carbon monoxide emitters, and thus, should be reflected in a reduced fee for newly permitted elevators. A grain elevator can't even come close to the average time it takes MPCA staff to issue one permit (66.42 hours/permit action). This figure, by the way, seems astounding. There must be ways to increase efficiency in the permitting process without jeopardizing the mission of MPCA.

PHONE: 612-339-5043 • FAX: 612-339 5673 • 852 GRAIN EXCHANGE • MINNEAPOLIS, MN 55415

The fee per ton in the proposed rule ($11.59), in our view, should vary with the toxicity of the pollutant. The technical advisor committee (TAC) appeared to be reluctant to seriously consider fees base on toxicity and instead chose to defray the issue for discussion during an upcoming toxics rule development. Again, fees based on toxicity is a concept that should have been included in this proposal. The technical advisory committee obviously didn't want to get bogged down with such a controversial, yet sensible approach to fee assessment. We certainly encourage the MPCA to consider fees based on toxicity when developing the toxics rule next year, which will include establishing a ranking system assigning a relative toxicity to each pollutant. The addition of other toxic pollutants resulting from the development of the upcoming toxics rule will helpfully result in stabilization of fees.

We are not convinced that a public hearing on this proposal will result in any meaningful improvement, however, a public airing of the divergent views could be helpful. We encourage the MPCA to work much closer with the Legislature when it sets the air quality fee appropriation each biennium. They need to develop more realistic expectations of the MPCA and be more understanding, which is maybe expecting too much but the effort must be made. Even the regulated industries could work with the MPCA to develop a more workable and realistic approach to air quality improvement.

Thank you for the opportunity to comment on the proposed rules governing permits and fees.

Sincerely,

Bob Zelenka

Bob Zelenka
Executive Director

BZ/ts

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to: 1) Minnesota Pollution Control Agency Permits Rule, Minn. Rules Parts 7001.0140 and 7001.0180; 2) Air Emission Fees Rule, Minn. Rules Parts 7002.0005 to 7002.0095; 3) Air Quality Report Rule, Minn. Rules Part 7005.1870; 4) Air Quality General Definitions, Minn. Rules Part 7005.0100 and to Create two New Sections Titled Emission Inventory, Minn. Rules Part 7055.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the 29 day of June, 1992. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the MPCA, in accordance with statutory requirements regarding the adoption of noncontroversial proposed rule amendments, after considering all of the evidence adduced upon the records, files and proceedings herein, the MPCA, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order Adopting Rules.

FINDINGS OF FACT

1. The MPCA finds that it received no written or oral comments on the proposed amended rule in response to the Notice of Intent to Solicit Outside Information Regarding Proposed Amendments to rules governing Air Quality Permit Fees, published in the State Register on June 3, 1991.

2. The MPCA finds that it received nine written comment letters and no verbal comments on the proposed amended rule in response to the Notice of Intent to Adopt the above-entitled amended rule which was published in the State Register on May 4, 1992, and sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat. § 14.14, subd. 1a and 14.22 (1991), on April 29, 1992.

3. Copy of the Statement of Need and Reasonableness (SONAR) was sent to the Legislative Commission to Review Administrative Rules on April 2, 1992.

4. Copies of the Notice of Intent to Adopt Permanent Rules, the proposed amended permanent rules, Fee Schedule approved by the Department of Finance and SONAR were sent to the Chairs of the House Appropriations Committee and Senate Finance Committee on April 20, 1992, pursuant to Minn. Stat. 16A.128, subd. 2a (1991).

5. The SONAR was prepared prior to mailing and publication of the notice, and was made available to the public.

6. All persons were given the opportunity to submit comments on the amended rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on June 3, 1992.

7. No requests for notice of submission to the Attorney General were received by the MPCA.

8. During the comment period the MPCA received nine written comment letters and no oral comments. The MPCA received two request for a public hearing. The MPCA finds that seven modifications to the proposed amended rule are justified by the record in this proceeding, as follows:

a. Amend part 7002.0085 Late Payment Fee:

> An owner or operator of an affected facility shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of the payment due date, and shall pay an additional ten percent of the original payment due for each additional 30-day period ~~or portion thereof~~ that the payment is late.

The MPCA staff currently interprets this part to state that the late payment fee of ten percent is calculated following the first 30 day late payment assessment of 20 percent. When a facility fails to make their payment within the first 30 days the payment is due, an additional ten percent will be assessed for each 30-day period they are late. However, staff is adding the word "additional" and deleting the phrase "or portion thereof" to help clarify that the ten percent late payment assessment is for "each additional 30-day period" it is late.

This modification is needed and reasonable because it helps clarify that the ten percent late payment fee being assessed by the MPCA is not for the first 30-day period that the payment is late, but for each additional complete 30-day period the payment is late.

This modification does not constitute a substantial change to the proposed amended rule because it does not change the effect of the rule and merely clarifies the rule.

b. Amend Part 7005.1875 Emission Inventory, Subp.2. Owner or operator error in reporting data:

> If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it occurred. If the commissioner agrees that the correction is appropriate, the commissioner shall correct the data in the inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner shall not recognize any correction submitted by an owner or operator which would

result in a reduction of tons emitted if the correction is submitted after November ~~31~~ 0 of the year the inventory is due.

This modification is needed and reasonable because November 31 is a nonexistent date. This change is reasonable because it accurately reflects an existent date. This change does not constitute a substantial change to the proposed amended rule because it does not change the effect of the rule and merely clarifies an accurate date.

c. Amend Part 7005.1876 Calculation of Actual Emissions for Emission Inventory, subp. 4. Volatile organic compound (VOC) material:

a = the amount of VOC entering the process. A signed statement from the supplier ~~separate from~~ or the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

This modification is reasonable because it provides consistent requirements when calculating emissions for the emission inventory. Currently, in cases where mass balance calculations are the compliance determination methods, a certification separate from the MSDS is not typically required for determining the amount of VOCs entering the process. It is reasonable to provide alternative methods for calculating emissions because when they are appropriately used, they represent equally accurate or more accurate means of calculating actual emissions.

This modification does not constitute a substantial change to the proposed amended rule because it does not change in any substantive way the effect of the rule.

d. Amend Part 7002.0055 Indirect Source Permit Fee, Subpart 1, Schedule:

A person who applies for a permit to construct, modify, or reconstruct an indirect source as defined in part 7001.1260, subpart 5, shall be assessed fees according to the following schedule+. Surcharges apply to new permit applications if the basis for the surcharge is present in the proposed project. Surcharges apply to modified permit applications if the basis for the surcharge is present in the proposed modification.

This modification is reasonable because it clarifies when the surcharges apply. Without this change, some persons could read the rule to require the application of the surcharges to permit modification applications whenever the basis for the surcharge is present in the underlying project, regardless of whether the basis of the surcharge is present in the proposed modification.

This modification is not a substantial change because it merely clarifies the rule. Moreover, it sets forth the interpretation of the rule that results in lower fees in certain ISP circumstances. The modification does not effect a new class of persons or introduce new subject matter.

e. Amend the portion of Part 7002.0055, Indirect Source Permit Fees, Subpart 1, Schedule, set forth below as follows:

New permit application that ~~I~~involves more than one ~~applicant~~ owner, except governmental coapplicants acting in regulatory capacity....$2,005

This change is reasonable because it prevents an additional and duplicate surcharge from applying to circumstances where more than one owner is added through a change in ownership. Another surcharge already applies to this situation. Changing the word applicant to owner is reasonable because the need for additional staff time is based on multiple owners, and not all owners are necessarily applicants.

This change is not substantial because it clarifies that the staff will interpret the rule to result in a somewhat lower fee than it otherwise might. No new classes of persons are affected, not is new subject matter introduced.

f. Amend the portion of Part 7002.0055, Indirect Source Permit Fees, Subpart 1, Schedule, set forth below as follows:

Permit application formally amended during application review process to change size o~~f~~r scope of project, except minor changes as defined in subpart 3....$1,205

g. Amend Part 7002.0055, Indirect Source Permit Fees, by adding a new subpart to read:

Subp. 3. Minor changes. The amendment of a permit application during the application review process shall be considered minor for purposes of this part if it would have been considered a minor modification under part 7001.1350 or if an agency approved trip analysis shows that the change would not increase vehicle trips in any intersection in any hour by 100 trips or more.

Changes (f) and (g) are reasonable because the MPCA does not need to collect an additional surcharge in response to amendments made to a permit application during the review process if the change is a minor one that does not require technical review. A change does not require technical review if it does not cause an increase in carbon monoxide emissions over levels specified in part 7001.1350, or if it does not generate traffic increases of over 100 trips as described above. The changes also correct a typographical error that rendered the provision confusing.

These changes are not substantial because they result in a somewhat lower ISP in certain circumstances, they do not affect a new class of people, and they do not raise new subject matter.

9. The MPCA adopts the SONAR in its entirety as the factual basis for the proposed rule. The MPCA hereby incorporates the SONAR into these findings, except as modified in Finding No. 8 above.

10. The above-captioned rule amendments are needed and reasonable. (8)

CONCLUSIONS

1. The MPCA duly acquired and has jurisdiction over this proceeding.

2. The MPCA published and served due, timely, and adequate notice of the intent to adopt the rule amendments without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

4. The modifications to the proposed amended rules are supported by the record and do not result in a substantial change in the proposed rules.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to portions of the Minnesota Pollution Control Agency Permits Rule, Minn. Rules Parts 7001.0140 and 7001.0180, Air Emission Fees Rule, Minn. Rules Parts 7002.0005 to 7002.0095, Air Quality Report Rule, Minn. Rules Part 7005.1870, Air Quality General Definitions, Minn. Rules Part 7005.0100, Emission Inventory, Minn. Rules Part 7005.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876, are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07, subd. 4 (1991).

MINNESOTA POLLUTION CONTROL AGENCY

Dated: 6/29/92

Charles W. Williams
Commissioner

cause increases of CO in excess of certain specified levels. (Staff also proposes correcting a spelling error noted by the commenter). This change is not a substantial one because it simply excludes from one surcharge certain small changes that do not merit such a surcharge, consistent with the intent of this part of the rule to base surcharges on the regulatory attention demanded by the application.

Finally, the commenter objected to the surcharge based on application of a noise variance. Staff believes it is appropriate to charge this surcharge because when noise variances are applied for, the ISP review process is considerably complicated, demanding additional staff time to coordinate review of the variance request, including MPCA Board items, Public Notices, and addition of noise provisions into the ISP..

15. Staff Changes:

Staff propose to amend the existing late payment fee language to include the word "additional" before the language which states "30-day period or portion thereof that the payment is late" and to omit the words "or portion thereof." Staff interpret the existing language to mean this already, however staff is proposing this amendment to provide clarification.

This change is reasonable because it clarifies that an owner or operator will pay an additional ten percent of the original payment for each additional 30-day period they are late. This change is not substantial because it does not change in any substantive way the effect of the rule.

Staff also proposes to change the the reference to November 31, a nonexistent date in Part 7005.1875 subp.2, to November 30. This change is reasonable because it accurately reflects an existent date. This change is not substantial because it does not change in any substantive way the effect of the rule.

III. Conclusions:

The MPCA staff believe that the proposed emission fee rules are needed and reasonable. Based on the comments received during the comment period and the advisory committee meetings, the MPCA staff believes that the MPCA Board should adopt the emission fee rules with the changes set forth in the attached Findings of Fact, Conclusions, and Order Adopting Rules.

IV. Recommendation:

The staff recommends that the MPCA Board adopt the attached suggested staff resolution and Findings of Fact, Conclusions, and Order Adopting Rules.

SUGGESTED STAFF RESOLUTION

BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts amendments to Air Quality Emission Fee Rules (Minn. Rules Part 7002.0005 to 7002.0095); Air Quality Report Rule (Minn. Rules Part 7005.1870); Air Quality General Definitions (Minn. Rules Part 7005.0100); and to create two new sections titled Emission Inventory (Minn. Rules Part 7005.1875) and Calculation of Actual Emissions for the Emission Inventory (Minn. Rules Part 7005.1876), under the authority set forth in Minn. Stat. § 116.07, subd. 4 (1990), as published in the State Register, Vol. 16, May 4, 1992, pages 2394 to 2402, with changes specified in the attached Findings of Fact, Conclusions, and Order Adopting Rules.

BE IT FURTHER RESOLVED, in the event that the Office of the Attorney General disapproves the rules based on substantial change under Minn. Rules Part 2010.1000, subd. D, (1991), that the Commissioner of the Minnesota Pollution Control Agency is authorized to sign and renotice the Minnesota Pollution Control Agency's intent to adopt the attached proposed amendments to

rules governing air emission fees, to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and to publish the notice and the proposed amended emission fee rules in the State Register, and to perform any acts incidental thereto, and if no significant changes are made to the rules in response to the public comment period, the Commissioner is further authorized to resubmit the rules to the Office of the Attorney General for review.

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Commissioner is authorized to make any form changes in the rules that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to obtain the revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1990).

BE IT FURTHER RESOLVED, that the Commissioner of the Minnesota Pollution Control Agency is authorized to sign the Findings of Fact, Conclusions, and Order Adopting Rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the Attorney General and to perform the necessary acts to provide that the rules shall have the force and effect of law.

CERTIFICATE OF RESOLUTION ADOPTING RULES

I, Charles W. Williams, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 29 day of June, 1992, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts amendments to Air Quality Emission Fee Rules (Minn. Rules Part 7002.0005 to 7002.0095); Air Quality Report Rule (Minn. Rules Parts 7005.1870); Air Quality General Difinitions (Minn. Rules Part 7005.0100); and to crease two new sections titled Emission Inventory (Minn. Rules Part 7005.1875) and Calculation of Actual Emissions for the Emission Inventory (Minn. Rules Part 7005.1876), under the authority set forth in Minn. Stat. § 116.07, subd. 4 (1990), as published in the State Register, Vol. 16, May 4, 1992, pages 2394 to 2402, with changes specified in the attached Findings of Fact, Conclusions, and Order Adopting Rules.

BE IT FURTHER RESOLVED, in the event that the Office of the Attorney General disapproves the rules based on substantial change under Minn. Rules Part 2010.1000, subd. D, (1991), that the Commissioner of the Minnesota Pollution Control Agency is authorized to sign and renotice the Minnesota Pollution Control Agency's intent to adopt the attached proposed amendments to rules governing air emission fees, to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and to publish the notice and the proposed amended emission fee rules in the State Register, and to perform any acts incidental thereto, and if no significant changes are made to the rules in response to the public comment period, the Commissioner is further authorized to resubmit the rules to the Office of the Attorney General for review.

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Commissioner is authorized to make any form changes in the rules that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to obtain the revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1990).

BE IT FURTHER RESOLVED, that the Commissioner of the Minnesota Pollution Control Agency is authorized to sign the Findings of Fact, Conclusions, and Order Adopting Rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the Attorney General and to perform the necessary acts to provide that the rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29 day of, 1992.

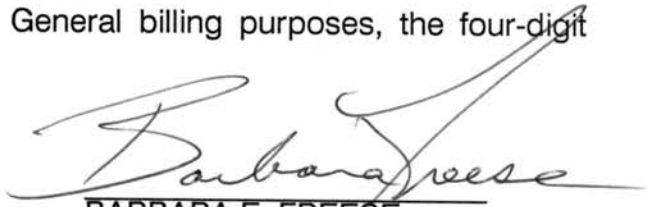
CHARLES W. WILLIAMS
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to: 1) Minnesota Pollution Control Agency Permits Rule, Minn. Rules Parts 7001.0140 and 7001.0180; 2) Air Emission Fees Rule, Minn. Rules Parts 7002.0005 to 7002.0095; 3) Air Quality Report Rule, Minn. Rules Part 7005.1870; 4) Air Quality General Definitions, Minn. Rules Part 7005.0100 and to Create two New Sections Titled Emission Inventory, Minn. Rules Part 7055.1875 and Calculation of Actual Emissions for the Emission Inventory, Minn. Rules Part 7005.1876.

DECLARATION OF COUNSEL

I, Barbara E. Freese, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is .0701.



BARBARA E. FREESE
Special Assistant
Attorney General

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