

Minnesota Pollution Control Agency

March 3, 1994

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

RE: Statement of Need and Reasonableness for Proposed Amendments to the State
Air Pollution Control Rules to Incorporate the National Ambient Air Quality
Standards for Lead and PM-10 and Federal Ambient Air Quality Measurement
Methods, Minn. Rules pts. 7009.0050, .0060 and .0080.

Dear Ms. Hruby:

Enclosed for your review is a copy of the Statement of Need and Reasonableness for
proposed rule amendments as required by Minn. Stat. § 14.115, subd. 8 (1992). If you
have any questions, please call me at 296-7712.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norma L. Coleman", followed by the word "for" written in a smaller, simpler script.

Norma L. Coleman
Planning and Rule Coordinator
Program Development Section
Air Quality Division

NLF:jmd

Enclosure

**STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY**

In the Matter of the Proposed
Amendments to the State Air Pollution
Control Rules to Incorporate the
National Ambient Air Quality Standards
for Lead and PM-10 and Federal Ambient
Air Quality Measurement Methods, Minn.
Rules pts. 7009.0050, .0060 and .0080.

**STATEMENT OF NEED
AND REASONABLENESS**

I. INTRODUCTION

This rule consists of proposed amendments to the state air pollution control rules to incorporate the National Ambient Air Quality Standards (NAAQS) for lead and particulate matter under 10 microns nominal diameter (also known as "PM-10"), and the federal ambient air quality measurement methods. The purpose of this rule amendment is to bring the state air pollution control rules up to date with current applicable NAAQS that are administered by the State of Minnesota pursuant to its State Implementation Plan (SIP), which is submitted to United States Environmental Protection Agency (EPA) under the Clean Air Act, 42 U.S.C. § 7401 et seq.

II. STATEMENT OF MPCA'S STATUTORY AUTHORITY

The Minnesota Pollution Control Agency's (MPCA's) statutory authority to adopt these rule amendments is set forth in Minn. Stat. § 116.07, subd. 4 (1992) which provides:

Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, ch. 1046, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or

composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement or control of air pollution.

Minn. Stat. § 116.07, subd. 2 (1992) also provides statutory authority to the MPCA to promulgate these rules, and provides as follows:

The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted factors.

Under these statutes, the MPCA has the necessary statutory authority to adopt the proposed rules.¹

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1. The requirement in Minn. Stat. § 116.07, subd. 2 that the MPCA take into account differences between areas of the state in setting ambient air quality standards is not relevant to this rule amendment, because the MPCA is incorporating federal NAAQS into state law, and the federal NAAQS apply to all areas of the nation equally and thus to all areas within the state of Minnesota. The MPCA has taken account of differences in areas of the state in setting state-only ambient air quality standards where appropriate, but has also incorporated all federal NAAQS (except lead and PM-10, which are the subject of this rule amendment) for all areas of the state. For example, Part 7009.0080 contains the federal NAAQS for sulfur dioxide, imposes a more stringent 3-hour standard than federally required in parts of the state (915 micrograms instead of 1300), and imposes a state-only one-hour standard for all areas of the state. Compare 40 C.F.R. pt. 50 (1992) with Minn. Rules pt. 7009.0080.

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1992) requires the MPCA to make an affirmative presentation of facts establishing the need for and reasonableness of the rule amendments as proposed. In general terms, this means that the MPCA must set forth the reasons for its proposal and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the MPCA is appropriate. The need for the rules is discussed below.

These rule amendments are needed in order to: 1) update Minnesota's state air pollution control rules to enable the MPCA to fully implement the new operating permit program required by Title V of the 1990 Clean Air Act Amendments (1990 Amendments), 42 U.S.C. §§ 7661-7661f (1992), 2) to reflect in Minnesota rules the current NAAQS for lead and PM-10 which the state of Minnesota implements within its boundaries, and 3) as part of the MPCA's rulemaking activities designed to update the state air pollution control rules, as recommended by the Legislative Auditor in its 1991 report on the MPCA. Each of these reasons for proposing these rule amendments will be discussed below.

The 1990 Amendments require states to submit to the EPA rules that establish an operating permits program within the state. 42 U.S.C. §§ 7761-7761f(1992). Among other things, the state of Minnesota must show that it has adequate authority to "issue permits and assure compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this Act." 42 U.S.C. § 7761a(b)(5)(A) (1992). In its rules governing state implementation of the federal operating permit program, EPA requires states to demonstrate their ability to issue permits and assure compliance with each "applicable requirement" and to incorporate into permits all

"applicable requirements." 40 C.F.R. § 70.4(b)(3)(i), (v). See 57 Fed. Reg. 32250, 32298 (July 21, 1992). "Applicable requirement" is defined to include "any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter." 40 C.F.R. § 70.2. See 57 Fed. Reg. 32250, 32295 (July 21, 1992). These definitions have been reflected in Minnesota's new operating permit rule, and sources whose emissions must be limited to attain the NAAQS as part of Minnesota's implementation plan are required to obtain operating permits. See Minn. Rules pts. 7007.0100, subp. 7 and 7007.0250, subp. 3.²

Under Title I of the Clean Air Act, EPA has promulgated national primary and secondary ambient air quality standards. 42 U.S.C. § 7409 (1992). See 40 C.F.R. pt. 50 (1992). The NAAQS establish uniform national standards for the levels of pollutants permitted in outdoor air. Under Title I, a state is required to develop and submit to EPA an "implementation plan," known as a SIP, which controls air pollution from sources within the state to the level necessary to attain NAAQS. 42 U.S.C. § 7410 (1992). Minnesota has within its borders areas that are classified by EPA as not attaining the NAAQS for lead and PM-10. 40 C.F.R. § 81.324.³ Minnesota has developed SIP revisions to address this problem and has submitted those to EPA. Minn. Rules pt. 7009.0080 (formerly numbered 7005.0080) is also currently part of Minnesota's SIP⁴ and contains most of the current

2. The new operating permit rule was effective on October 18, 1993. 18 State Reg. 1059 (Oct. 11, 1993).

3. The lead nonattainment area is a portion of Dakota County, and the PM-10 nonattainment areas are portions of Ramsey and Olmstead counties. 57 Fed. Reg. 48461, 48466, 48468 (Oct. 26, 1992).

4. See 58 Fed. Reg. 15431, 15434 (March 23, 1993).

NAAQS, as well as a few state-only ambient air quality standards that are more stringent than the NAAQS. An example of a state-only standard is the state ambient air quality standard for hydrogen sulfide, for which there is no corresponding federal NAAQS. Minn. Rules pt. 7009.0080 has not been updated for many years, and does not include the federal NAAQS for lead or PM-10.⁵ This rule amendment is needed to update Minn. Rules pt. 7009.0080, and ultimately the SIP, to include all currently applicable federal NAAQS in the state table of ambient air quality standards. This rule is also needed to enable the MPCA to fully implement through its operating permit program all applicable requirements of Title I of the Clean Air Act.

These rule amendments, by incorporating the federal lead and PM-10 NAAQS, are also a needed update to Minnesota's state air pollution control rules. In an audit of the MPCA conducted by the state's Office of the Legislative Auditor in 1990 and 1991, the Legislative Auditor identified as a "primary" recommendation for the MPCA's Air Quality Division that it should update Minnesota's air quality rules. Audit of the Pollution Control Agency at 60, January, 1991 (Legislative Auditor). By incorporating the federal lead and PM-10 NAAQS into the state ambient air quality standards table, these rule amendments accomplish one part of the MPCA's need to update the state air pollution control rules.⁶ These rule amendments also update the ambient air quality measurement methods referred to in the current state rule by changing the rule's reference from the methods in

5. The PM-10 NAAQS was adopted by EPA on July 1, 1987. See 52 Fed. Reg. 24,634 (July 1, 1987). The lead NAAQS was adopted by EPA on October 5, 1978. See 43 Fed. Reg. 46,258 (October 5, 1978).

6. For example, the MPCA recently completed another rulemaking update that incorporated into state rules many federal New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and Prevention of Significant Deterioration of Air Quality regulations that the MPCA administers. See 17 State Reg. 2252 (March 22, 1993) and 18 State Reg. 580 (August 16, 1993).

the 1981 Code of Federal Regulation (CFR) to current CFR, and will keep these methods up to date as EPA amends them. The adoption of the lead and PM-10 NAAQS, and federal ambient air measurement methods, will ensure that the MPCA's state air pollution control rules are both up to date and comprehensively include the federal regulatory standards to which air pollution sources in the state of Minnesota are subject.

IV. STATEMENT OF REASONABLENESS

The MPCA is required by Minn. Stat. ch. 14 to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the MPCA's proposed action. The reasonableness of the proposed rules is discussed below.

A. Reasonableness of Adopting the Lead and PM-10 Standards.

In the rule amendment, the MPCA is incorporating into the state ambient air quality standards table in Part 7009.0080 the federal lead and PM-10 NAAQS. The MPCA is not amending these federal requirements, but is simply incorporating them into the state air pollution control rules. This approach is reasonable because incorporating federal NAAQS into Minnesota rules provides notice to Minnesota's regulated community of the applicable NAAQS. Also, under the Clean Air Act, states must develop and implement SIPs designed to attain the federal NAAQS in all areas of the state. This rule amendment is reasonable as a housekeeping measure to update the state ambient air quality standards tables to reflect all of the NAAQS for which the state of Minnesota is obligated under the Clean Air Act to develop a SIP.

B. Reasonableness of Updating the Test Methods for Ambient Air Quality Standards.

Parts 7009.0050 and 7009.0060 (formerly numbered 7005.0050 and 7005.0060) have been amended to delete reference to the 1981 Code of Federal Regulations and instead adopt the current ambient monitoring methods, and future changes to those methods that are promulgated by EPA on the federal level. This amendment is reasonable because it assures that Minnesota's methods for measuring ambient concentrations for pollutants subject to a NAAQS will remain uniform with the federal measurement methods that EPA requires for measuring compliance with the NAAQS. This amendment will incorporate technical improvements to measurement methodology as they are adopted by EPA, keeping Minnesota's rules up to date. EPA requires the MPCA's air monitoring program to follow current CFR monitoring methodology, and Minnesota rules should be updated to reflect this EPA requirement.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1992), 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 defined in Minn. Stat. § 14.115 (1992). As a result, the MPCA has considered the above-listed methods for reducing the impact of the rule amendments on small businesses. Since the federal NAAQS that are being incorporated into the state rules are already in force and apply to air pollution sources in the state of Minnesota as a matter of federal law, however, the MPCA cannot change the applicable federal NAAQS through this state rulemaking. Additionally, the MPCA must show its ability to administer and enforce the applicable NAAQS in order to administer the SIP within the state of Minnesota.

As a result, the MPCA is not proposing any of above-listed types of changes in the federal NAAQS it is incorporating in this rule amendment. To the extent that a federal NAAQS may apply to an entity that is a small business to limit air emissions from that source, a requirement needed to attain the NAAQS could apply to small businesses in every state in the nation, including Minnesota. Finally, since the incorporation of the federal NAAQS into state rules does not change the federal NAAQS, this rulemaking does not impose any additional requirements on small businesses that are not already present as a matter of federal regulation. The incorporation of these federal rules into Minnesota rules will make it easier for small businesses to find out what requirements may apply to their emission facilities.

VI. CONSIDERATION OF ECONOMIC FACTORS

In exercising its powers the MPCA is required by Minn. Stat. § 116.07, subd. 6 (1992) to give due consideration to economic factors. The statute provides:

In exercising all its powers, the pollution control agency 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 shall take or

provide for such action as may be reasonable, feasible, and practical under the circumstances.

In proposing this rule amendment to incorporate the federal lead and PM-10 NAAQS into state rules, the MPCA has considered any economic impacts the proposed rule amendments would have. Since the MPCA is incorporating the lead and PM-10 federal NAAQS into state rules for purposes of its SIP, the state rule amendments proposed in this rulemaking do not impose any additional costs on Minnesota businesses that are not already imposed as a matter of federal law upon Minnesota businesses by the federal requirement to attain the NAAQS. This rule, therefore, does not have any economic impact on its own.

VII. IMPACTS ON AGRICULTURAL LAND AND FARMING OPERATIONS

Minn. Stat. § 14.11, subd. 2 (1992) requires that if the agency proposing the adoption of a rule determines that the rule may have a direct and substantial adverse impact on agricultural land in the state, the agency shall comply with specified additional requirements. The MPCA, in adopting the federal lead and PM-10 NAAQS into state rules, is not proposing a rule which may have a direct and substantial adverse impact on agricultural lands in the state, because the federal NAAQS apply to sources of air pollution and do not directly impact agricultural lands in the state.

Minn. Stat. § 116.07, subd. 4 (1992), requires that if a proposed rule affects farming operations, the MPCA must provide a copy of the proposed rule and a statement of the effect of the proposed rule on farming operations to the Commissioner of Agriculture for review and comment. The MPCA, in adopting the federal lead and PM-10 NAAQS into state rules, is not proposing a rule which would affect farming operations.

VIII. COST TO LOCAL PUBLIC BODIES

Minnesota Statute section 14.11, subd. 1 (1992), requires the MPCA to include a statement of the rules' estimated cost to local public bodies in the notice of intent to adopt rules if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years immediately following adoption of the rule. Adoption of this rule amendment will not impose any additional cost on local public bodies in the state. Since the MPCA is incorporating the existing lead and PM-10 federal NAAQS into state rules for purposes of its SIP, the state rule amendments proposed in this rulemaking do not impose any additional costs on local public bodies that are not already imposed as a matter of federal law upon local public bodies by the requirements of the federal NAAQS that are being incorporated. This rule, therefore, does not have any economic impact on local public bodies on its own.

IX. REVIEW BY COMMISSIONER OF TRANSPORTATION

Minnesota Statute section 174.05 requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The adoption of the lead and PM-10 NAAQS into Minnesota rules do not concern transportation. Indeed, the SIP strategy that the MPCA currently employs to attain the lead and PM-10 NAAQS involves certain restrictions on the operation of stationary sources of air pollution. The requirements of Minn. Stat. § 174.05 are therefore not applicable.

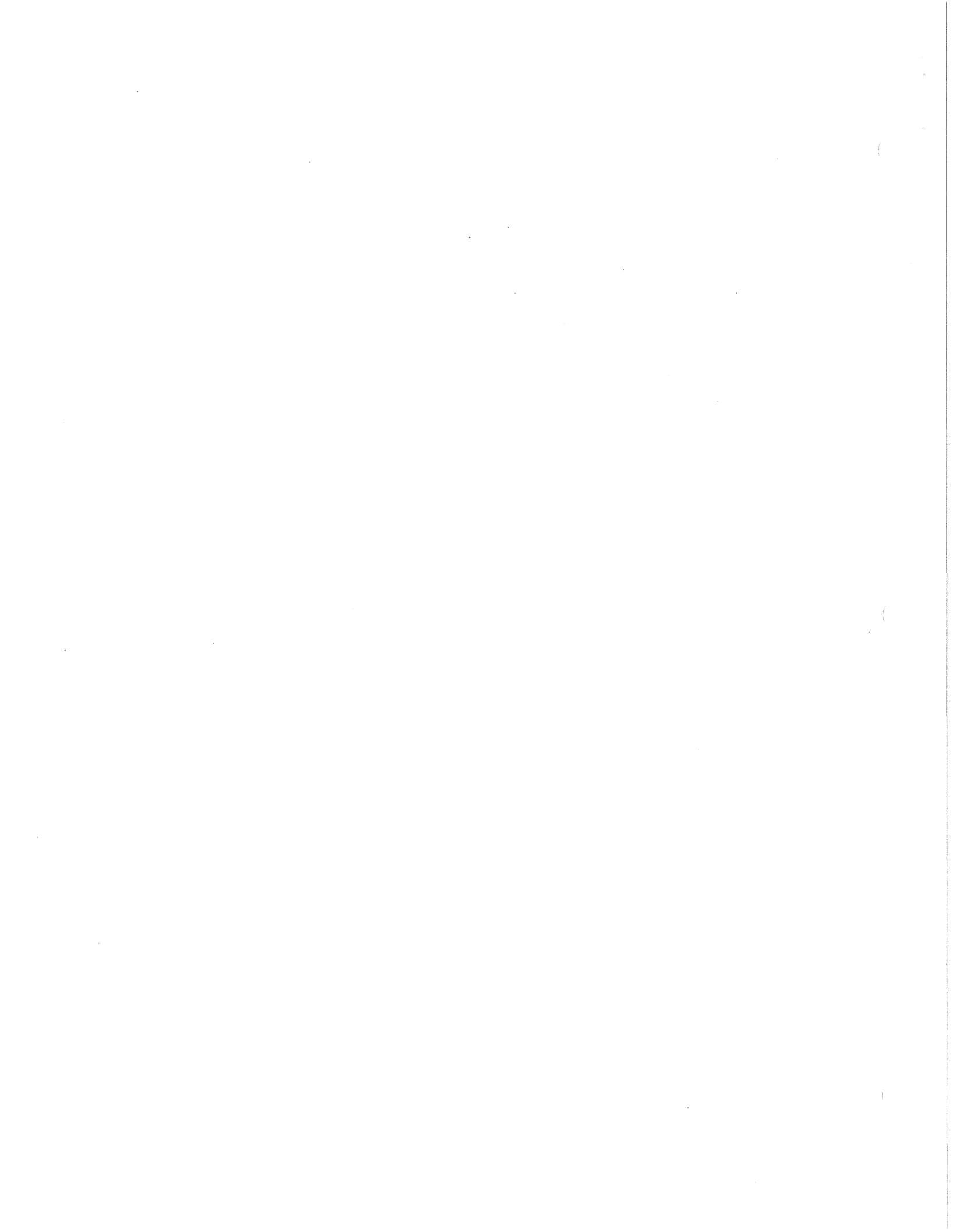
X. CONCLUSION

Based on the foregoing, the proposed amendments to the state air pollution control rules to incorporate the lead and PM-10 federal NAAQS into state rules and update the ambient air measurement methods to match federal law, attached to this Statement of Need and Reasonableness, are both needed and reasonable.

Dated: 2/16/94



CHARLES W. WILLIAMS
Commissioner, Minnesota
Pollution Control Agency



DELEGATION OF AUTHORITY
FROM THE MINNESOTA POLLUTION CONTROL AGENCY
TO THE COMMISSIONER TO AUTHORIZE THE INITIATION OF
RULEMAKING PROCEDURES AND ADOPT CERTAIN AMENDMENTS
TO THE HAZARDOUS WASTE AND AIR QUALITY RULES

WHEREAS, the Minnesota Pollution Control Agency (Agency) is authorized by Minn. Stat. § 116.07, subds. 2 and 4 to adopt rules concerning air pollution and hazardous waste; and

WHEREAS, the Clean Air Act (CAA), 42 U.S.C. § 7401 et seq., establishes federal requirements and authorizes states to apply for authorization or delegation to administer an air quality program that is at least as stringent as the federal requirements; and

WHEREAS, the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., establishes procedures for states to obtain authorization to administer a state hazardous waste regulatory program in lieu of the federal program; and

WHEREAS, the Agency has received authorization and delegation to implement the CAA and RCRA programs in the state of Minnesota; and

WHEREAS, in order to maintain federal authorization and delegation to administer the CAA and RCRA programs in Minnesota, the Agency must enact equivalent requirements within specific time frames when new or more stringent federal requirements are promulgated by the United States Environmental Protection Agency; and

WHEREAS, the Agency desires to maintain authorization and delegation for CAA and RCRA programs; and

WHEREAS, the initiation of rulemaking and the adoption of amendments to rules that are required to maintain equivalency with federal requirements under the CAA and RCRA is more a ministerial task than one of policy and substance; and

WHEREAS, the delegation of this authority under limited conditions and for a specific period of time will alleviate the time constraints on the Agency and its staff;

THEREFORE BE IT RESOLVED THAT:

A. The Minnesota Pollution Control Agency Board delegates its authority to authorize the initiation of rulemaking for air quality and hazardous waste rules to maintain equivalency with federal requirements, using the procedures for rules adopted without a public hearing, to the Commissioner or his designee until October 31, 1993, unless terminated by the Board at an earlier date, subject to the following limitations:

1. The rules or amendments are required to maintain Minnesota's authorization or delegation for CAA or RCRA programs;
2. The rules maintain equivalency with federal requirements by either incorporating the federal rules by reference or writing them into Minnesota rules;
3. The rule amendment would not make a rule less stringent than existing rules are without the amendment;
4. The Commissioner, at the time the Commissioner mails notice of intent to adopt the rules without a public hearing, mails the notice of intent to adopt the rules and a copy of the proposed rules to the members of the Board; and
5. The rules do not set or adjust fees.

If any of the above limitations has not been met, the request for authorization to initiate rulemaking shall be presented to the Board for approval or denial.

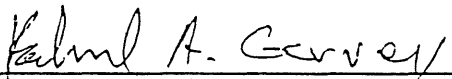
B. For rules that are proposed by the Commissioner under paragraph A of this delegation, the Minnesota Pollution Control Agency further delegates its authority to adopt amendments to the air quality and hazardous waste rules to maintain equivalency

with federal requirements, using the procedures for rules adopted without a public hearing, to the Commissioner or his designee until October 31, 1993, unless terminated by the Board at an earlier date, subject to the following limitations:

1. A public hearing is not required under Minn. Stat. ch. 14;
2. The notices of intent to adopt rules without a public hearing informed persons that they may request to appear before the Board and no one has submitted a written request to appear before the Board during the comment period.
3. No Board member has asked the Commissioner to present the rule to the Board for adoption.

If any of the above limitations have not been met, the request for authorization to adopt rules shall be presented to the Board for approval or denial.

C. The Commissioner shall provide the Board with a quarterly report on all rules adopted pursuant to this delegation.



EDWARD A. GARVEY
Chairperson

Dated: 4/27/93

1 Pollution Control Agency

2

3 Proposed Permanent Rules Relating to Ambient Air Quality

4 Standards

5

6 Rules as Proposed

7 7009.0050 MEASUREMENT METHODOLOGY, EXCEPT FOR HYDROGEN SULFIDE.

8 For all ambient air quality standards except hydrogen
9 sulfide, measurements made to determine compliance with the
10 standards shall be performed as set forth in:

11 A. Code of Federal Regulations, title 40, part 50,
12 National Primary and Secondary Ambient Air Quality Standards
13 ~~(1981)~~, as amended; or

14 B. Code of Federal Regulations, title 40, part
15 53-Ambient Air Monitoring Reference and Equivalent Methods
16 ~~(1981)~~, as amended; and

17 C. Code of Federal Regulations, title 40, part 58,
18 Ambient Air Quality Surveillance ~~(1981)~~, as amended.

19 7009.0060 MEASUREMENT METHODOLOGY FOR HYDROGEN SULFIDE.

20 For hydrogen sulfide, measurements made to determine
21 compliance with the standards shall be performed in accordance
22 with any measurement method approved by the commissioner. The
23 commissioner shall approve a measurement method where the
24 sensitivity, precision, accuracy, response time, and
25 interference levels of the method are comparable to that of the
26 measurement methods for the other pollutants described in part
27 7009.0050; and when the person seeking to take the measurement
28 has developed and submitted to the agency a quality assurance
29 plan that provides operational procedures for each of the
30 activities described in Code of Federal Regulations ~~1981~~, as
31 amended, title 40, part 58, appendix A.2.2, Quality Assurance
32 Requirements for State and Local Air Monitoring Stations.

33 7009.0080 STATE AMBIENT AIR QUALITY STANDARDS.

34 The following table contains the state ambient air quality

1 standards.			
2 Pollutant/ 3 Air 4 Contaminant	Primary Standard	Secondary Standard	Remarks
5			
6 Hydrogen 7 Sulfide	0.05 ppm by volume (70.0 8 micrograms per 9 cubic meter)		1/2 hour average not to be exceeded over 2 times per year
10			
11	0.03 ppm by		1/2 hour average not
12	volume (42.0		to be exceeded over
13	micrograms per		2 times in any 5
14	cubic meter)		consecutive days
15			
16 Ozone	0.12 ppm by	0.12 ppm by	the standard is
17	volume (235	volume (235	attained when the
18	micrograms	micrograms	expected number of
19	per cubic	per cubic	days per calendar
20	meter)	meter)	year with maximum
21			hourly average
22			concentrations
23			above the standard
24			is equal to or less
25			than one, as
26			determined by Code
27			of Federal
28			Regulations,
29			title 40, part 50,
30			appendix H,
31			Interpretation
32			of the National
33			Ambient Air Quality
34			Standards for Ozone
35			(1981)
36			
37 Carbon 38 Monoxide	9 ppm by volume (10 39 milligrams 40 per cubic 41 meter)	9 ppm by volume (10 milligrams per cubic meter)	maximum 8 hour concentration not to be exceeded more than once per year
42			
43	30 ppm by	30 ppm by	maximum 1 hour
44	volume (35	volume (35	concentration not to
45	milligrams	milligrams	to be exceeded more
46	per cubic	per cubic	than once per year
47	meter)	meter)	
48			
49 Hydro 50 carbons	0.24 ppm by volume (160 51 micrograms 52 per cubic 53 meter)	0.24 ppm by volume (160 micrograms per cubic meter)	maximum 3 hour concentration (6:00 to 9:00 a.m.) not to be exceeded more than once per year, corrected for methane
54			
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56			
57 Sulfur 58 Dioxides	80 micrograms per cubic meter (0.03 ppm by volume)	60 micrograms per cubic meter (0.02 ppm by volume)	maximum annual arithmetic mean
59			
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63			
64	365	365	maximum 24 hour
65	micrograms	micrograms	concentration not
66	per cubic	per cubic	to be exceeded more
67	meter (0.14	meter (0.14	than once per year
68	ppm by	ppm by	
69	volume)	volume)	
70			

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915
micrograms
per cubic
meter (0.35
ppm by
volume)

maximum 3 hour
concentration not
to be exceeded more
than once per year
in Air Quality
Control Regions
127, 129, 130, and
132 as set forth in
Code of Federal
Regulations, title
40, part 81,
Designations of Air
Quality Control
Regions (1981)

1300
micrograms
per cubic
meter (0.5
ppm by
volume)

maximum 3 hour
concentration not to
be exceeded more than
once per year
in Air Quality Control
Regions 128, 131, and
133 as set forth in
Code of Federal
Regulations, title
40, part 81,
Designation of Air
Quality Control
Regions (1981)

1300
micrograms
per cubic
meter (0.5
ppm by
volume)

maximum 3 hour
concentration not to
be exceeded more than
once per year

1300
micrograms
per cubic
meter (0.5
ppm by
volume)

maximum 1 hour
concentration not to
be exceeded more than
once per year

Particulate
Matter

75
micrograms
per cubic
meter

60
micrograms
per cubic
meter

maximum annual
geometric mean

260
micrograms
per cubic
meter

150
micrograms
per cubic
meter

maximum 24 hour
concentration not
to be exceeded more
than once per year

Nitrogen
Dioxides

0.05 ppm
by volume
(100
micrograms
per cubic
meter)

0.05 ppm
by volume
(100
micrograms
per cubic
meter)

maximum annual
arithmetic mean

Lead

1.5
micrograms
per cubic
meter

same as
primary
standard

maximum arithmetic
mean averaged over
a calendar quarter

PM10

150
micrograms
per cubic
meter

same as
primary
standard

maximum 24-hour
average concentration;
the standard is
attained when the
expected number of
days per calendar

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50
micrograms
per cubic
meter

same as
primary
standard

year exceeding the
value of the standard
is equal to or less
than one

annual arithmetic
mean; the standard
is attained when
the expected annual
arithmetic mean
concentration is less
than or equal to the
value of the standard

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Ambient Air Quality Standards

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapter 7009

The attached rules are approved for
publication in the State Register

A handwritten signature in cursive script, reading "Carla M. Riehle".

Carla M. Riehle
Senior Assistant Revisor