

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1092

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DATE	D-PG	OFFICIAL STATUS
03/05/2013	576	Introduction and first reading Referred to Environment and Energy
03/20/2013		Comm report: To pass as amended and re-refer to State and Local Government

1.1 A bill for an act
 1.2 relating to environment; directing the Pollution Control Agency to modify a rule
 1.3 on fugitive emissions.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **RULEMAKING; FUGITIVE EMISSIONS.**

1.6 (a) The commissioner of the Pollution Control Agency shall amend Minnesota
 1.7 Rules, part 7005.0100, subpart 35a, to read:

1.8 ""Potential emissions" or "potential to emit" means the maximum capacity while
 1.9 operating at the maximum hours of operation of an emissions unit, emission facility, or
 1.10 stationary source to emit a pollutant under its physical and operational design. Any physical
 1.11 or operational limitation on the capacity of the stationary source to emit a pollutant,
 1.12 including air pollution control equipment and restriction on hours of operation or on the
 1.13 type or amount of material combusted, stored, or processed, must be treated as part of its
 1.14 design if the limitation or the effect it would have on emissions is federally enforceable.

1.15 Secondary emissions must not be counted in determining the potential to emit of
 1.16 an emissions unit, emission facility, or stationary source. Fugitive emissions shall not
 1.17 be counted when determining potential to emit, unless required under part 7007.0200,
 1.18 subpart 2, item B."

1.19 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
 1.20 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
 1.21 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
 1.22 section 14.388.