

In the Matter of St. Paul Terminals, Inc.

Proceedings to Develop
and Implement a State Implementation
Plan for the Ramsey County PM₁₀
Nonattainment Area to Demonstrate,
Attain and Maintain Compliance with the
National Ambient Air Quality Standards
for particulate matter as Required by Sections
110, 172 and 189 of the Clean Air Act,
42 U.S.C. §§ 7410, 7502 and 7513a.

FINDINGS AND ORDER

The Minnesota Pollution Control Agency (MPCA) hereby adopts the following Findings and Order:

1. The US Environmental Protection Agency (EPA) has promulgated primary and secondary 24 hour National Ambient Air Quality Standards (NAAQS) for particulate matter under 10 microns (PM₁₀) of 150 micrograms per cubic meter, 24 hour average concentration. (40 CFR § 50.6(a).) The EPA has also promulgated a primary and secondary PM₁₀ NAAQS of 50 micrograms per cubic meter, annual arithmetic mean. (40 CFR § 50.6(b).)
2. The MPCA has adopted 24-hour and annual ambient air quality standards for PM₁₀ at the same level as the federal NAAQS. (Minn. R. 7009.0080)
3. The MPCA has also adopted rules prohibiting the handling of material in ways that allow avoidable amounts of particulate matter to become airborne, and requiring the use of reasonable measures to prevent fugitive emissions from roads. (Minn. R. 7011.0150)
4. The state rules described in items 2 and 3 above are part of Minnesota's State Implementation Plan (SIP) submitted to and approved by the EPA under 42 U.S.C. § 7410. The purpose of the SIP is to implement, maintain, and enforce the NAAQS.
5. The MPCA has authority to issue this order under Minn. Stat. § 116.07, subd. 9 (1994), and to enforce it under Minn. Stat. § 115.071 (1994). The authority to issue this order has been delegated by the MPCA Board to the Commissioner of the MPCA by delegation dated October 24, 1995.
6. St. Paul Terminals, Inc., is located in an area that fails to attain the 24-hour and annual state and federal PM₁₀ ambient air quality standards (a "nonattainment area"). (42 U.S.C. § 7407(d)(4)(B)(1), as announced and clarified by the EPA in 56 Fed. Reg. 11101, Mar. 15, 1991).

7. Based on monitored exceedances from 1992 to 1994 of the 24-hour PM₁₀ NAAQS in the nonattainment area, the MPCA performed an air dispersion modeling analysis to identify the major contributors to the PM₁₀ NAAQS exceedances. Based on this analysis, one of the significant contributors is St. Paul Terminals, Inc.

8. St. Paul Terminals owns a 23-acre industrial park and leases space on their property to other companies for their businesses or for outdoor storage. The facility location allows for transportation by rail, truck, and barge. St. Paul Terminals is located at 1303 Red Rock Road, City of St. Paul, Ramsey County, Minnesota.

9. The PM₁₀ emission sources at St. Paul Terminals, Inc. are fugitive dust from vehicle traffic on unpaved and paved roads. This Order imposes requirements on St. Paul Terminals, Inc. that will achieve and maintain compliance with the NAAQS for PM₁₀. St. Paul Terminals is not required to obtain an air emission permit pursuant to Minn. R. 7007.0050-1850.

10. For this Order, "compliance with the PM₁₀ NAAQS" means no longer contributing to a violation of the PM₁₀ NAAQS as determined with the EPA approved "Industrial Source Complex" air dispersion model.

11. In order for Minnesota to attain the state and federal PM₁₀ ambient air quality standards in the nonattainment area in which St. Paul Facilities is located, it is necessary for St. Paul Terminals, Inc., to reduce its PM₁₀ emissions by taking the actions required in this Order.

12. The MPCA has authority to submit this order to the EPA for approval and inclusion in Minnesota's SIP, under 42 U.S.C. § 7410.

ORDER

NOW, THEREFORE, IT IS ORDERED, that St. Paul Terminals, Inc. (Company) shall comply with the requirements listed below in operating its Red Rock Road facility (Facility) in order to demonstrate reasonable further progress and to attain, demonstrate, and maintain compliance with the applicable state and federal ambient air quality standards for PM₁₀.

I. PM₁₀ EMISSION CONTROL PLAN FOR THE FACILITY

The Company shall control the fugitive emissions from paved and unpaved roads through all of the following operational procedures.

A. Paved Roads

The Company shall high pressure wash all paved roads (to each side) marked "PW" on Exhibit 1 once each calendar week in the months April through October.

B. Unpaved Roads

The Company shall apply a chemical dust suppressant to the unpaved roads marked "DS" in Exhibit 1 as follows:

1. If the Company uses a Magnesium Chloride (MgCl) salt as their dust suppressant, the Company shall apply the MgCl dust suppressant within the first 15 days of every three months beginning with April and ending with October.

2. The Company shall ensure that the MgCl is kept activated as a dust suppressant between applications. The Company shall accomplish this by applying water as necessary to the areas where chemical dust suppressant has been applied.

3. When the ground is frozen, no chemical dust suppressant need be applied (approximately the calendar months of November through March).

4. If the Company decides to use a dust suppressant other than MgCl, the Company shall first notify the MPCA to verify that the new suppressant is acceptable. If approved, the new dust suppressant shall be applied according to the manufacturer's recommendations.

5. If there is vehicle traffic on the unpaved road marked "UP" on the map, the Company must apply dust suppressant to this area as directed in 1-4 above. The Company can get a deferment from this requirement if this area is being used for equipment or material storage upon written approval from the MPCA SIP Coordinator.

C. Preventing Track-Out

To prevent the entrainment of fugitive dust from sediment tracked onto Red Rock Road, the Company shall high pressure wash Red Rock Road at least once per week. The washing shall be conducted in both directions to the extent that track out of sediment from the Facility can be seen on Red Rock Road.

II. DEMONSTRATION OF COMPLIANCE WITH FUGITIVE DUST CONTROL REQUIREMENTS AND RECORDKEEPING REQUIREMENTS

A. General Compliance Requirements

The Company shall demonstrate compliance with operating requirements found in Part I of this Order as specified below. The Company shall retain the following information for a period of five years.

1. To demonstrate compliance with Part I.A. of this Order (Paved Roads), the Company shall keep a log of pressure washing that shall include:

- a. the date of washing;
- b. time of washing;
- c. operator's signature;

2. To demonstrate compliance with Part I.B. of this Order (Unpaved Roads) the Company shall record the following information:

- a. the date of dust suppressant application;
- b. the rate of application in gallons per square yard;
- c. where the dust suppressant was applied; and
- d. the date of additional water application to the areas that received dust suppressant.

3. To demonstrate compliance with Part I.C. of this Order (Preventing Track-Out), the Company shall record the following information:

- a. the date of washing;
- b. time of washing;
- c. operator's signature

4. The Company shall keep records of pressure wash equipment breakdowns and repairs, and the dates they occurred.

B. Record Maintenance

The Company shall maintain all required documents, records, reports, and plans in a form suitable for determination of the Facility's compliance with this Order by EPA or MPCA staff. The Company shall maintain the information at the Facility in files which are easily accessible for inspection by EPA or MPCA staff, and are available for inspection at all reasonable times.

C. Annual Report

The Company shall submit to the MPCA each calendar year, a report that contains information of noncompliance with operational and recordkeeping requirements (or the Company shall state if no noncompliance occurred in that year). The Company shall use the form provided and attached as Exhibit 2. The report shall be postmarked or delivered within 30 days following the end of each calendar year.

III. GENERAL REQUIREMENTS

A. Before the Company performs any construction, modification, or operation of equipment which results in additional PM₁₀ emissions from any emission unit, or changes to PM₁₀ emission patterns assumed in the modeling conducted to demonstrate attainment, maintenance and verification of compliance with the PM₁₀ NAAQS, the Company shall obtain an amendment to this Order. Any amendment to this Order approved by the MPCA shall not revise the federally enforceable requirements of the SIP until approved by EPA.

B. The Company shall inform the MPCA SIP Coordinator of any new leases on their property within 10 days of signing a lease contract.

C. The permitting of any new major stationary PM₁₀ sources or major modifications at the Facility shall be completed according to Minn. R. 7007.4000-4030, until the currently classified PM₁₀ nonattainment area has been redesignated to an attainment area.

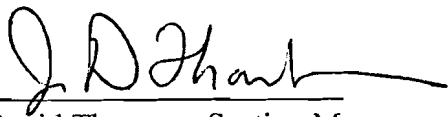
D. This Order does not relieve the Company of the obligation, in undertaking all actions required by this Order, to comply with all applicable local, state, and federal laws and regulations, including, but not limited to, federal new source performance standards, and laws and regulations related to occupational safety and health.

E. This Order does not relieve the Company of the obligation to comply with other requirements any federal or state statute, rule, permit, order, stipulation agreement, consent decree or schedule of compliance now in force or subsequently issued.

F. This Order shall be binding upon the Company and its respective officers, employees, successors and assigns. The Company shall provide a copy of this Order to any successor in interest prior to transfer of that interest, and shall simultaneously inform the MPCA in writing that this notice has been given.

G. This Order for St. Paul Terminals, Inc. is effective upon the date that it is signed by the Commissioner of the MPCA.

IT IS SO ORDERED BY THE MINNESOTA POLLUTION CONTROL AGENCY



J. David Thornton, Section Manager
Program Development and Air Analysis Section
Air Quality Division
Minnesota Pollution Control Agency
Date: 2/2/96

