

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of J. L. Shiely Company

Proceedings to Develop
and Implement a State Implementation
Plan for the Ramsey County PM-10
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.

AMENDMENT TWO
TO AMENDED
FINDINGS
AND ORDER

The Minnesota Pollution Control Agency (MPCA), being fully advised in the premises and with the consent of J.L. Shiely Company, hereby adopts this Amendment Two to the Amended Findings and Order (hereinafter Original Order) that was issued to J.L. Shiely Company on August 25, 1992. The Original Order was issued to J.L. Shiely Company and is part of Minnesota's State Implementation Plan (SIP) to control emissions of particulate matter in Ramsey County. The SIP, including the Original Order, was submitted to the U.S. Environmental Protection Agency (EPA) on August 31, 1992. Amendment One to the Original Order was submitted to EPA on March 9, 1994. The MPCA intends to submit this Amendment Two to the EPA for approval as part of the SIP.

In making the changes, underline denotes additions and strikethrough denotes deletions to the original language.

1. Amendment Two authorizes the following revision to number 8 of the Findings portion of the Original Order:

8. The MPCA has promulgated rules preventing any person from emitting any pollutant "in such an amount or in such a manner as to cause or contribute to a violation of any ambient air quality standard beyond such person's property line..." Minn. Rules pt. 7005.0020 (1994). Minn. Rules pt. 7009.0080 sets primary and secondary ambient air quality standards for PM-10 that are the same as the NAAQS: 150 micrograms per cubic meter, maximum 24-hour average concentration and 50 micrograms per cubic meter, annual arithmetic mean. ~~The MPCA has adopted a secondary ambient air quality standard for particulate matter, measured as total suspended particulate (TSP), of 150 micrograms per cubic meter, maximum 24 hour concentration not to be exceeded more than once per year. Minn. Rules pt. 7005.0080 (1991). Exceedances of the federal 150 microgram per cubic meter NAAQS for PM 10 are by definition exceedances of the state TSP standard, because PM 10 is a subset of TSP.~~

2. Amendment Two authorizes the following revision to Part I.A.3.b.2) b) of the Original Order:

Part I.A.3.b.2) b):

~~The Company shall hire a private contract sweeper to sweep the entire paved surface of Child's Road every other week in front of its Facility and for at least 1/4 mile beyond the Facility property line in both directions.~~ The Company shall high pressure wash the paved surface of Childs Road (to the side gutters) in front of the Facility at least once per day when trucks are hauling from the Facility. The washing shall be conducted in both directions to the extent that track out of sediment from the Facility can be seen on Childs Road. These washings shall be recorded in a road watering log.

3. Amendment Two authorizes the following revision to Part V.B. of the Original Order:

Part V.B.:

Annual Reports

The Company...a record of each unscheduled start-up, shutdown, bypass and breakdown of process and control equipment; and...

Amendment Two shall become effective on the date it is executed by the MPCA Air Quality Division Manager. Except as expressly amended herein, all provisions of the Original Order and Amendment One remain unchanged and in full force and effect.

IT IS SO ORDERED BY THE MINNESOTA POLLUTION CONTROL AGENCY:



Lisa J. Thorvig
Air Quality Division Manager
Minnesota Pollution Control Agency

Date: 12/21/94

LJT:jmd