

STATE OF MINNESOTA  
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of **Gopher Smelting and Refining Company**

Proceedings to Develop and  
Implement a State Implementation  
Plan for the State Lead Nonattainment  
Area to Demonstrate, Attain and Maintain  
Compliance with the National Ambient  
Air Quality Standards for Lead as  
Required by Sections 110, 172 and 191  
of the Clean Air Act, 42, U.S.C. §§ 7410,  
7502 and 7514.

**FINDINGS  
AND  
ORDER**

The Minnesota Pollution Control Agency (MPCA), being fully advised in the premises, hereby adopts the following Findings and Order.

**FINDINGS**

1. The U.S. Environmental Protection Agency (EPA) is required by Section 109 of the Clean Air Act (CAA), 42 U.S.C. § 7409, to promulgate national ambient air quality standards (NAAQS). The EPA has promulgated NAAQS to protect the public health (primary standards) and the public welfare (secondary standards). 40 CFR pt. 50 (1992).

2. Among other pollutants, the EPA has promulgated primary and secondary NAAQS for lead. The primary and secondary NAAQS for lead are 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter. 40 CFR § 50.12 (1992).

3. Each state is obligated by Section 110(a) of the CAA, 42 U.S.C. § 7410, to develop a plan which provides for "implementation, maintenance and enforcement" of the NAAQS promulgated by the EPA.

4. The EPA has promulgated requirements for implementation plans titled "Requirements for Preparation, Adoption and Submittal of Implementation Plans." 40 CFR pt. 51 (1992).

5. The MPCA is a statutory agency of the state of Minnesota, charged with the responsibility to administer and enforce laws and promulgate rules to prevent water, air and land pollution throughout the state of Minnesota. Minn. Stat. chs. 115, 115B and 116 (1992).

6. The MPCA is empowered to promulgate standards and rules for the prevention, abatement and control 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. 4 (1992). Minn. Stat. § 116.07, subd. 2 (1992).

7. The MPCA has the authority to enforce any statute or rule related to air pollution by, among other things, adopting, issuing, entering into or enforcing "reasonable orders, schedules of compliance and stipulation agreements." Minn. Stat. § 116.07, subd. 9 (1992). Specifically, the MPCA has the authority to enforce Minn. Rules pt. 7005.0020 which states that "No person shall emit 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, provided however, that in the event the general public has access to the person's property or portion thereof, the ambient air quality standards shall apply in those locations..."

8. Minn. Stat. § 115.071 (1992) provides that the provisions of chapters 115 and 116 and "all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued" by the MPCA may be enforced by criminal prosecution, action to recover civil penalties, injunction, action to compel performance, or other appropriate action. Specifically, in action to compel performance of an order of the MPCA, the regulated party may be required "to do and perform any and all acts and things within the defendant's power which are reasonably necessary to accomplish the purposes of the order." Minn. Stat. § 115.071, subd. 5 (1992).

9. Based on monitored violations of the lead standard, the MPCA staff performed, or reviewed and approved, a computer modeling analysis of the major contributor of lead emissions in the state to determine the extent of the nonattainment area for the primary and secondary NAAQS for lead. This modeling was conducted in accordance with the EPA Guideline on Air Quality Models (Revised) (1986) and Supplement A (1987), and was developed using the Industrial Source Complex Long Term dispersion model version 90008. The lead nonattainment area delineation's were submitted by the state to the EPA.

10. The EPA has designated the area in Dakota County bounded by Lone Oak Road (County Road 26) to the north, County Road 63 to the east, Westcott Road to the south, and Lexington Avenue (County Road 43) to the west, as a nonattainment area for the primary and secondary NAAQS for lead. 40 CFR § 81.324 (1992).

11. The major contributor of lead emissions in the lead nonattainment area is Gopher Smelting and Refining Company, located at 3385 South Highway 149 in Eagan, in Dakota County, Minnesota. The Gopher Smelting and Refining Company is organized and existing under the laws of the state of Minnesota. Lead emissions from the Gopher Smelting and Refining Company have contributed to a violation of the primary and secondary NAAQS for lead.

12. The MPCA staff performed, or reviewed and approved, a computer modeling analysis of Gopher Smelting and Refining Company that demonstrates that the state will attain and maintain compliance with the lead NAAQS if the Gopher Smelting and Refining Company is operated in compliance with the requirements of this Order. The modeling was conducted in accordance with the EPA Guideline on Air Quality Models (Revised) (1986) and Supplement A

(1987), and was developed using the Industrial Source Complex Long Term dispersion model version 92273.

13. The Gopher Smelting and Refining Company emits pollutants into the ambient air in sufficient quantities to require an air emission permit pursuant to Minn. Stat. § 116.081 (1992) and Minn. Rules pts. 7001.0030 and 7001.1210 (Supp. 1992). On June 18, 1991, the MPCA issued air emission permit No. 675-91-OT-5 to Gopher Smelting and Refining Company authorizing the operation of its facility under specified terms and conditions. That permit remains in effect today, and is not suspended, revoked or superseded by the issuance of this Order. This Order imposes additional requirements on Gopher Smelting and Refining Company as specified in Parts I through VII below, to assure that the state will achieve and maintain compliance with the NAAQS for lead.

14. Definitions of terms and abbreviations in this Order are defined as follows:

Access Point	The area of a fence line whereby a person may pass from outside the fence line to inside the fence line and vice versa
ACFM	Actual Cubic Feet per Minute
AQD Manager	The Division Manager of the Air Quality Division of the Minnesota Pollution Control Agency
ASTM	American Society of Testing and Materials
Barrier	A structure built to restrict the passage of air from one area to another. Barriers include, but are not limited to, doors.
Breakdown	A sudden and unavoidable failure of air pollution control equipment or process equipment to operate as designed.
Btu	British Thermal Unit
CFR	Code of Federal Regulations
Commissioner	The Commissioner of the Minnesota Pollution Control Agency
DSCM	Dry Standard Cubic Meter at standard conditions.
Emission Point	The stack, chimney, vent or other functionally equivalent opening whereby emissions are exhausted to the atmosphere
Emission Unit	Each activity that emits or has the potential to emit any air contaminant or pollutant. This includes each piece of equipment, machinery, device, apparatus, activity or any other means whereby an emission is caused to occur or has the potential to occur.
EPA	Environmental Protection Agency
°F	Degrees Fahrenheit
Fugitive Emissions	Pollutant discharges that could not reasonably pass through a stack, chimney, or other functionally equivalent opening.
gr/dscf	Grains per Dry Standard Cubic Foot
hr	Hour
Inside Openings	The part of an inside wall of a building from which air may pass from one side of the wall to the other side of the wall without a barrier preventing the passage of air. Inside openings include, but are not limited to, doorways.

lb.	Pound
MPCA	Minnesota Pollution Control Agency
Minn. Stat. chs.	Minnesota Statute Chapters
Modification	A physical change or a change in the operation of an emissions unit, emission facility, or stationary source that is not allowed under a permit, stipulation agreement, or an applicable air pollution control rule, and that results in an increase in the emission of an air pollutant.
NAAQS	National Ambient Air Quality Standards
Opacity	The degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
Outside Openings	The part of an outside wall or roof of a building from which air may pass from inside the building to outside the building without a barrier preventing the passage of air. Outside openings include, but are not limited to doorways, areas around ducts, pipes, and hatches.
ppm	Parts per Million
pt.	Part
Shutdown	The cessation of operation of an emissions unit, emission facility, stationary source, or control equipment for any purpose.
SIP	State Implementation Plan
U.S.C	United States Code
$\mu\text{g}/\text{m}^3$	Micrograms per Cubic Meter
Vegetative Cover	Grasses that may either be mowed (cut) or not mowed
Ventilation System	The ductwork (including hoods) that collects lead bearing air and transports it from the collection point to dust control equipment (cartridge filters).

## **ORDER**

NOW, THEREFORE, IT IS ORDERED, for the purpose of demonstrating reasonable progress and attaining, demonstrating and maintaining compliance with the NAAQS for lead as set forth in 40 CFR § 50.12 (1992), Gopher Smelting and Refining Company (Company) shall operate its secondary smelting facility (Facility) located in the city of Eagan, Dakota County, Minnesota in compliance with the following requirements and limitations:

### **I. LEAD EMISSIONS CONTROL PLAN FOR THE FACILITY**

#### **A. General Operating and Maintenance Requirements**

Exhibit 1, Emission Units and Pollution Control Equipment, which is appended to and incorporated as part of this Order, identifies parameters used in the computer modeling performed to demonstrate that the state will attain compliance with the lead NAAQS. Except as specifically allowed or required elsewhere in this Order, the Company shall operate and maintain the process and control equipment described in Exhibit 1 according to the parameters set forth in Exhibit 1. The Facility also comprises fugitive sources. The control parameters for the fugitive sources were also used in the computer modeling. The Company shall operate the Facility in accordance to the fugitive emissions control provisions set forth in this Order.

#### **B. Emission Limitations**

1. The Emission Units at the Facility that discharge lead emissions to the atmosphere are: two reverberatory furnaces, a blast furnace, six refining kettles, a flue dust agglomeration furnace, a scrap dryer for the feed desulfurization system, the central vacuum system, fugitive emissions from the raw material handling, blast furnace and reverb areas. Each of these sources is more fully described in Exhibit 1.

2. The lead emissions from the Emission Units described in I.B.1 are vented to and controlled by dust collectors (baghouses or cartridge filters). There are four dust collectors that control these emissions. The lead emissions from the dust collectors exit through stacks. There are two stacks at the Facility that emit lead: Emission Point No. 1 and Emission Point No. 3. The lead emission control equipment and the emission points are more fully described in Exhibit 1.

3. Notwithstanding any other applicable provision, the Company shall control the lead emissions from the Emission Units in Part I.B.1 with the control equipment in Part I.B.2, and limit its emissions of lead from the Emission Points described in I.B.2 on an instantaneous basis to no more than that indicated below.

<u>Emission Point Nos.</u>	<u>Emission Limit</u>	<u>Limitation Basis</u>
1	7000 µg/dscm (0.00306 gr/dscf)	40 CFR pt. 50 (1992) Minn. Modeled Lead Ambient Air Quality Standard Compliance
3	5720 µg/dscm (0.0025 gr/dscf)	40 CFR pt. 50 (1992) Minn. Modeled Lead Ambient Air Quality Standard Compliance

4. The Company shall limit opacity from the emission points described in I.B.2 to no more than that indicated below.

<u>Emission Point Nos.</u>	<u>Emission Limit</u>
1-3	5 percent

C. Operating Restrictions

1. Fugitives Control

Other lead emissions sources at the Facility include building openings, reentrained dust from truck traffic at the Facility and wind erosion of unpaved, or otherwise uncovered, areas on and around the Facility site. The Company shall limit the amount of fugitive lead emissions by, at a minimum, performing the activities indicated below.

a. Building openings

i. The Company shall keep closed all barriers on outside openings of the Smelting, Raw Material Warehouse and process side of the Raw Material Processing Area, described in Exhibit 4 of this Order, at all times except during ingress and egress through the building opening. The Company shall keep closed all rail loading doors in the Refining area, described in Exhibit 4 of this Order, at all times except when a rail car is being loaded.

ii. The Company shall keep closed, at all times except during ingress and egress, all barriers on inside openings that separate areas of the building that are under negative pressure from those that are not under negative pressure, as shown in Exhibit 5 of this Order.

iii. The Company shall monthly inspect all barriers on inside and outside openings for damage that results in lead emissions from inside the building to outside the building. Any time that damage to the inside and outside openings which results in lead emissions to outside the building is detected, the Company shall repair the damage within two weeks of the detection.

iv. The Company shall prevent fugitive lead from emitting through outside openings by operating and maintaining a negative pressure system that puts the areas described in Exhibit 5 under negative pressure, and a ventilation system that collects lead bearing air from the negative pressure areas described in Exhibit 5 of this Order and routes it through a cartridge filter, which is described in Exhibit 1 of this Order.

b. Sweeping

i. The Company shall sweep all paved outdoor areas, as indicated in Exhibit 7 of this Order, with a vacuum equipped road sweeper. The Company is exempt from sweeping uncovered outside areas if there was a 0.1 inch rainfall during the previous 24 hours, or if these areas are covered with snow. The Company shall collect rainfall data with an on-site rain gauge.

ii. The Company shall immediately\* clean up spills of lead containing materials, flue dust, or slag with a vacuum equipped road sweeper, or by hand vacuuming or wet sweeping.

iii. The Company shall store swept lead bearing material in the Raw Material Warehouse and recycle the swept lead bearing material in the furnaces, which are described in Exhibit 1 of this Order.

c. Traffic Limitations

The Company shall limit mobile equipment traffic to the paved outdoor areas, described in Exhibit 7, except for lawn mowing equipment on vegetative (grass covered) areas.

d. Equipment Handling and Cleaning

i. **Bag and Cartridge Replacement.** The Company shall immediately\* deposit used bags and cartridge filters in leak-proof containers when replacing the baghouse or cartridge filters for the control equipment described in Exhibit 1. The Company shall recycle the used bags and cartridge filters in the furnaces, which are described in Exhibit 1 of this Order.

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\* Immediately shall mean as soon as is reasonably possible after giving consideration to plant and personnel safety.

ii. Mobile Equipment. The Company shall daily clean all mobile equipment used that handles lead bearing scrap. Mobile equipment includes, but is not limited to, the road sweeper and front end loader(s). Cleaning shall be conducted by hand vacuuming, scrubbing or hosing down with water in the wash bays indicated in Exhibit 4 of this Order. The Company shall keep the barriers on outside openings closed during cleaning. The Company shall store vacuumed lead bearing material in the Raw Material Warehouse described in Exhibit 4 of this Order, and recycle the vacuumed material in the furnaces, described in Exhibit 1 of this Order. The Company shall dispose of wet lead bearing material in the Facility water treatment plant.

iii. Ventilation System. The Company shall on a monthly basis, inspect the ventilation system for holes and negative static pressure with an electronic portable magnehelic gauge. The Company shall clean and/or repair the ventilation system if there are visible holes and/or negative static pressure. The Company shall monthly test the electronic portable magnehelic gauges for accuracy, and repair or replace defective gauges as described in Exhibit 8 of this Order.

iv. Cartridge Filter and Baghouse Dust. The Company shall recycle baghouse and cartridge filter dust in the Flue Dust Agglomeration Furnace. The Company shall transport the dust by closed conveyor to the furnace. The Company shall store the lead bearing material collected from ventilation system cleaning in the Raw Material Warehouse, and recycle the material in the furnaces described in Exhibit 1 of this Order.

v. Slag Material. The Company shall store slag material inside the Facility building. The Company shall apply water to slag material prior to loading it onto trucks that haul the slag material outside the Facility building. Water application is not required when the air temperature outside is at or below 32 °F. The Company shall cover all trucks hauling slag or slag residue outside the Facility building.

e. Wind Erosion Prevention

i. Vegetative Cover. The Company shall maintain continuous vegetative cover (grasses) over all areas that are not paved or otherwise continuously covered.

ii. Railway Bed. The Company shall maintain continuous railway ballast cover or pavement over the entire railway bed delimited by the Soo Line Railroad easement, which is described in Exhibit 6 of this Order.

iii. Paved Areas. The Company shall retain and maintain all paved areas.

iv. Soil Removal. If the Company removes lead bearing soil to comply with Resource Conservation and Recovery Act (RCRA) corrective action requirements, the Company shall remove and handle the soil in accordance to a corrective action plan approved by the MPCA Hazardous Waste Division, RCRA permit and review unit. If as a part of the

corrective action plan the Company replaces lead bearing soil with clean fill (without lead) that bars remaining lead bearing soil from exposure to the air, the Company is exempt from Parts I.C.1.e.i through iii of this Order in those areas on which clean fill is in place.

## 2. Air Pollution Control Equipment

The Company shall maintain all air pollution control equipment in proper operating condition. The Company shall not operate the emissions units described in Exhibit 1 unless the associated air pollution control equipment, described in Exhibit 1 of this Order, is also operated at all times.

### a. Baghouse Nos. 1 and 2

The Company shall maintain the pressure drop across the baghouse cells at a minimum of 2 inches and a maximum of 10 inches.

### b. Cartridge Filter Nos. 4 and 5

The Company shall maintain the pressure drop across the pleated cartridge filters at a minimum of 0.5 inch and a maximum of 15 inches.

## 3. Air Pollution Control Equipment Monitors

### a. Pressure Drop Gauges and Broken Media Detectors

The Company shall operate and maintain pressure drop gauges and broken media detectors, which are described in Exhibit 1, to measure pressure drop across the cartridge filters and baghouse cells in inches of water and an increase in particulate grain loading at each baghouse and cartridge filter outlet. Each broken media detector shall be equipped with a device that continually records grain loading, and an alarm that alerts Company personnel of increases in grain loading.

### b. Alarm Trigger

In the event that the alarm on a broken media detector is triggered, the Company shall immediately isolate the cartridge filter or baghouse cell for which the alarm was triggered as described in Exhibit 8 of this Order.

## 4. Property Access Restrictions

The Company shall limit access to the portion of the property described in Exhibit 6 with fencing that continuously encloses that portion of the Facility property, excluding access points. The Company shall limit access to the portion of the property indicted in Exhibit 6 with gates at each access point. The Company shall operate security cameras that monitor access to the main gate, shown in Exhibit 6 during office hours. At all other times, the Company shall keep

the main gate locked when not in use. At all times, the Company shall keep locked all other gates when not in use. The Company shall post No Trespassing signs at all access points.

## **II. DEMONSTRATION OF COMPLIANCE WITH EMISSION LIMITATIONS AND OPERATING RESTRICTIONS**

The Company shall demonstrate compliance with the lead emission limitations and operating requirements of Part I of this Order as indicated below.

### **A. Compliance with Emission Limitations**

#### **1. Stack Tests**

The Company shall demonstrate compliance at Emission Point Nos. 1 and 3 by conducting stack emissions performance tests as indicated below.

##### **a. Minimum Frequency**

The Company shall conduct a stack emissions performance test once not later than July 15, 1993, and between June 1 and August 1 annually thereafter, and as requested by the AQD Manager or an authorized EPA official.

##### **b. Test Method**

The Company shall conduct the stack emissions performance test in accordance with the provisions in Exhibit 2 of this Order.

##### **c. Test Failure**

Upon written notice from the MPCA that the performance test failed to demonstrate compliance with the emission limits in Part I.B of this Order, the Company shall retest within 30 days of the written notice.

#### **2. Opacity Tests**

The Company shall demonstrate compliance with the opacity limit at Emission Point Nos. 1 and 3 by conducting opacity tests as indicated below.

##### **a. Minimum Frequency**

The Company shall conduct an opacity test annually, and as requested by the AQD Manager or an authorized EPA Official.

**b. Test Method**

The Company shall conduct the opacity test by visual observation in accordance with 40 CFR pt. 60, Appendix A, Method 9.

**3. Records and Reporting**

The Company shall maintain records as required in Part III.B.2.a of this Order, report the results of the performance test as required in Part IV.B of this Order, and the results of the opacity tests required in Part IV.E of this Order.

**B. Compliance with Operating Restrictions**

**1. Fugitives Control**

The Company shall demonstrate compliance with the fugitive control requirements in Part I.C.1 of this Order as indicated below.

**a. Negative Pressure Testing**

The Company shall monthly conduct Negative Pressure testing in accordance with Exhibit 9 of this Order.

**b. Inspections and Repair**

The Company shall monthly inspect vegetative cover, railway ballast cover and pavement, except when covered with snow, for continuous coverage. If coverage is not continuous, the Company shall repair or replace the coverage.

**c. Records**

The Company shall establish and maintain records as described in Part III.B.2.b of this Order.

**2. Air Pollution Control Equipment**

**a. Maintenance Plan**

i. The Company shall inspect each baghouse and cartridge filter described in Part I and Exhibit 1 by following the Maintenance Plan for Baghouses and Cartridge Filters in Exhibit 3.

b. Records and Reporting

The Company shall maintain records of the inspections required in Part III.B.2.a of this Order and the activities required in Exhibit 3 of this Order, and report any shutdowns or breakdowns of the control or monitoring equipment as required in Part IV.C of this Order.

3. Air Pollution Control Monitoring Equipment

a. Monitor Testing

The Company shall monthly test each pressure drop gauge and broken media detector for accuracy, clean the broken media detectors, and repair and replace gauges and detectors in accordance to Exhibit 8 of this Order.

b. Records and Reporting

The Company shall maintain records of the monitor testing required in Part III.B.2.b of this Order and the activities required in Parts I.C.3, II.B.3 and Exhibit 8 of this Order.

C. Compliance with Property Access Restrictions

1. Inspection and Repair

The Company shall demonstrate compliance with the property access restrictions by monthly inspecting the fencing and gates, and repairing and maintaining the fencing and gates. The Company shall complete all repairs to the fencing and gates within 30 days after the Company has access to information that indicates repair is needed.

2. Records

The Company shall maintain records of fence and gate inspection and maintenance as required in Part III.B.2.c of this Order,

**III. RECORD KEEPING**

A. Record Maintenance

The Company shall keep and maintain all required documents, records, reports and plans identified in this Part III in a form suitable to allow the EPA or MPCA staff to determine the Facility's compliance with this Order. The Company shall maintain the information at its Facility in files which are easily accessible for inspection by EPA or MPCA staff.

## **B. Record Keeping Requirements**

### **1. Permanent Records**

The Company shall permanently maintain all of the following information, as well as all amendments, revisions or modifications made to this information.

#### **a. Design, Construction and Operation Information**

The Company shall maintain a file or files of information on the design, construction and operation of the existing facility, each emission source, control equipment, stack, structures pertinent to modeling for downwash, and any other information required to conduct lead ambient air quality modeling of emissions from the Facility. The file or files shall include maintenance manuals provided by the manufacturer of existing control equipment, monitors and road sweepers. The file or files shall also include all information required to demonstrate that the equipment identified in Exhibit 1 is installed as described in that Exhibit. Where an activity has been undertaken pursuant to Part VI of this Order, the file or files shall include a description of each activity and all information required to demonstrate that the activity complies with each applicable Part VI requirement.

#### **b. Copy of this Order**

The Company shall maintain a file at the Facility that includes this Order and the Exhibits attached and incorporated by reference in this Order.

### **2. Non-Permanent Records**

Notwithstanding any document retention policy to the contrary, the Company shall retain the information identified below for a minimum of five years following the date on which the information was received by the Company. The retention period shall be automatically extended upon the written request of the AQD Manager. The records described below shall be signed by the person entering the information into the record and by the shift supervisor.

#### **a. Lead Emissions Records**

The Company shall generate and maintain records containing information to demonstrate the status of compliance with the emission limitations described in Parts I and II of this Order. At a minimum, the Company shall retain records containing all performance stack testing measurements and operating conditions during performance tests as required in Part II.A and Exhibit 2 of this Order, and the opacity testing conditions and results from opacity testing required in Part II.A. of this Order.

**b. Operating Restrictions Records**

The Company shall generate and maintain records containing information to demonstrate compliance with the operating restrictions described in Parts I and II of this Order. The Company shall generate operating restrictions records on the day the applicable event occurred. At a minimum, the Company shall retain records containing the information indicated below.

i. **Building Openings.** All monthly negative pressure testing results, monthly inspection reports of all damage to barriers on inside and outside openings, and the corrective action taken. If no damage occurred, the record shall state that no damage occurred. Records shall be kept of damage and subsequent repair or replacement of barriers on inside and outside openings detected or that occur at times other than during the monthly inspection. The records shall also include the installation of any new building openings and barriers for the openings.

ii. **Sweeping.** Records of daily and weekly sweeping events, spills of lead containing materials, cleanup of these spills, records of sweeping equipment breakdowns and repairs, and records of rainfall and snow cover for times not swept because of the presence of rainfall or snow cover.

iii. **Equipment Handling and Cleaning.** Daily records of stationary equipment, mobile equipment cleaning and repairs, and records of monthly ventilation system inspections, and magnehelic gauge repair and replacement.

iv. **Wind Erosion Prevention.** Inspection records of vegetative cover, railway ballast cover and pavement, and repairs to these areas. A record of any lead contaminated soil corrective action (under RCRA) at the Facility, and of areas covered with clean fill.

v. **Baghouses and Cartridge Filters.** Records of pressure drop and increases in grain loading, visual emissions from the stacks, records of magnehelic gauge readings for each shift, records of baghouse and cartridge filter inspections, bag and cartridge filter cleaning or replacement, and reason for replacing bags and cartridge filters and Facility work orders for all maintenance and repair.

vi. **Monitors for Baghouses and Cartridge Filters.** Records of accuracy testing the pressure drop gauges and broken media detectors, and records of repair and replacement of gauges and detectors.

**c. Property Access Records**

The Company shall generate and maintain records containing information to demonstrate compliance with the Facility property access restrictions requirements specified in Part I of this Order. At a minimum, the Company shall retain records containing the information indicated below.

i. **Inspections.** Records of the date of inspection, name of the person conducting the inspection, identification of each section of fence and each gate inspected, trespassers or evidence of trespassers, and identification of each location where repair or maintenance is required.

ii. **Repairs.** Records of the date of repair or maintenance, a description of the repair and maintenance conducted, and the locations where repair and maintenance occurred.

d. Reports Required by this Order

The Company shall maintain files containing the reports required by Part IV of this Order.

e. Contingency Plan Records

In the event that the contingency plan in Part V of this Order is implemented, the Company shall maintain a record of all sweeping events, records of rainfall and snow cover for times not swept because of snow cover, and records of days that dry sweeping replaced wet sweeping because of ice formation on the paved outdoor areas.

#### **IV. REPORTING REQUIREMENTS**

A. Notification of Performance Tests

1. Annual Test

The Company shall submit written notification to the AQD Manager of its intent to conduct performance stack tests required pursuant to this Order not less than 30 days prior to conducting each performance stack test as required by Minn. Rules pt. 7005.1860, subp. 6 (Supp. 1992). Before or at the time of written notification, the Company shall submit to the AQD Manager performance stack test plans, protocols and schedules for the performance test. The Company shall schedule and hold a pretest meeting with the MPCA staff at least seven working days prior to conducting a performance stack test. The test date and protocol are subject to the AQD Manager's approval and shall have been approved by the AQD Manager before the planned test date.

2. Retest

The Company shall submit to the AQD Manager a written notice of its intent to conduct a retest as required in Part II.A.1 of this Order, performance stack test plans, protocols and schedules at least 21 days in advance of the retest. The Company shall schedule and hold a pretest meeting with the MPCA staff at least seven working days prior to conducting a retest.

### 3. Other Tests

The Company shall submit written notification to the AQD Manager of its intent to conduct performance stack tests for Emission Point Nos. 1 and 3, which are described in Exhibit 1 of this Order, other than those tests required in Part II.A.1 of this Order. The Company shall notify the AQD Manager not less than 30 days prior to conducting each performance test.

#### B. Reporting of Performance Test Results

The Company shall submit to the AQD Manager the results of each performance stack test, and retest, required pursuant to this Order. Performance stack test reports shall be postmarked no later than 45 days after the test date.

#### C. Notification of Shutdowns and Breakdowns

In accordance with Minn. Rules pt. 7005.1880 (Supp. 1992), the Company shall notify the MPCA Commissioner of any shutdown or breakdown of process, monitoring or control equipment as indicated below.

1. The Company shall notify the Commissioner at least 24 hours in advance of:
  - a. Each shutdown of any control equipment governed by this Order, and
  - b. Each shutdown of any process equipment governed by this Order if the process equipment shutdown causes an increase in lead emissions.
2. The Company shall notify the Commissioner immediately\* of each breakdown of more than one hour duration of:
  - a. Control and monitoring equipment governed by this Order, and
  - b. Process equipment governed by this Order if the equipment breakdown causes an increase in lead emissions.
3. The Company shall notify by calling (612)296-7300. If the call is made outside of normal working hours (8:00 - 4:30) the Company shall leave a recorded message. At the time of the notification, the Company shall provide the following information:
  - a. Date and time of call,
  - b. Company and Facility name and location,
  - c. Caller's name, title and telephone number

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\* Immediately shall mean as soon as is reasonably possible after giving consideration to Facility and personnel safety.

- d. Date and time of shutdown or breakdown,
- e. Equipment failure that caused the breakdown or shutdown, and reason for the equipment failure,
- f. Potential environmental impacts and what steps are or will be taken to address them, and
- g. Estimated duration of shutdown or breakdown.

4. The Company shall notify the MPCA Commissioner when the shutdown or breakdown is over.

5. The Company shall submit written documentation of shutdown or breakdown notifications within 30 days after the Company verbally notifies the MPCA of a shutdown or breakdown. The Company shall include in the written documentation all the information described in this Part IV.C.3 and 4.

#### **E. Annual Reports**

The Company shall submit to the AQD Manager each calendar year, a report that contains a record of each startup, shutdown and breakdown of process and lead control equipment. If no startup, shutdown, and/or breakdown occurred during the calendar year, the Company shall state that no startup, shutdown, and/or breakdown occurred. The Company shall submit a report of opacity test results. Annual reports shall be postmarked within 30 days following the end of each calendar year.

### **V. CONTINGENCY PLAN REQUIREMENTS**

In the event that the nonattainment area in which the Facility is located fails to attain compliance with the lead NAAQS, the following contingency plan measures shall be implemented by the Company. These measures shall be implemented by the Company within 30 days following formal determination and notification by the MPCA or the EPA.

A. The Company shall daily sweep with a wet sweeper the paved outdoor areas that are described in Exhibit 4 as areas that are daily swept.

B. The Company shall daily sweep with a vacuum equipped road sweeper the paved outdoor areas that are described in Exhibit 4 as areas that are swept at least once a week and at least every three weeks.

C. If ice will form on the paved outdoor areas while sweeping with a wet sweeper, the Company shall sweep twice daily with a vacuum equipped road sweeper the paved outdoor areas that are described in Exhibit 4 as areas that are daily swept.

D. The Company is exempt from sweeping if there was a 0.1 inch rainfall during the previous 24 hours, or if the paved outdoor areas are covered with snow. The Company shall collect rainfall data with an onsite rain gauge.

## **VI. REQUIREMENTS FOR MODIFICATION OF THIS ORDER**

A. Regardless of whether a modification of this Order is required, the Company shall obtain a permit amendment if required by state or federal law.

B. The Company shall obtain a modification of this Order before it commences construction, modification or operation of equipment at the Facility that is different than allowed by Part I and Exhibit 1 of this Order, and could result in additional lead emissions or changes to lead emission patterns assumed in the modeling conducted to attain, maintain and verify the state's compliance with the NAAQS for lead. These kinds of changes include, but are not limited to, the following.

1. Changes that result in an exceedance of the emissions limitations in Part I of this Order;
2. Physical changes of the equipment that affect the stack parameters described in Exhibit 1 of this Order;
3. Changes that increase the design and/or maximum stack gas volumetric flow rate below that contained in Exhibit 1;
4. Changes that decrease the design and/or maximum stack gas exit temperature below that contained in Exhibit 1;
5. Reductions in the stack height below that contained in Exhibit 1;
6. Increases in the stack exit diameter above that contained in Exhibit 1; or
7. Construction or modifications of structures that increase the effective structural dimensions as they are used in the building wake effects algorithm in the EPA approved Industrial Source Complex Air Dispersion Model.

C. Any modifications to this Order approved by the MPCA shall not revise the federally enforceable requirements of the SIP until approved by EPA.

## **VII. GENERAL CONDITIONS**

A. This Order does not relieve the Company of the obligation, in undertaking all actions required by this Order, to comply with applicable local, state, and federal laws and regulations,

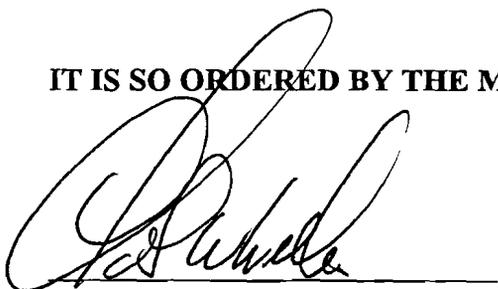
including, but not limited to, federal new source performance standards, and laws and regulations related to occupational safety and health.

B. 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 that this notice has been given. Should the Company sell or otherwise convey or assign any of its right, title or interest in the Facility, such conveyance shall not release the Company from any obligation imposed by this Order, unless the party to whom the right, title or interest has been transferred or assigned agrees in writing to fulfill the obligations of this Order and the MPCA approves such transfer or assignment. The MPCA shall not disapprove a transfer or assignment unless information demonstrates that the new owner lacks the ability to fulfill the obligation of this Order.

C. This Order mandates actions and establishes limits necessary for the Company to attain, maintain and verify the state's compliance with the lead NAAQS. To the extent that any federal or state statute, rule, permit, order, stipulation agreement, consent decree or schedule of compliance now in force or subsequently issued imposes limits and requires actions additional to those required in this Order, the Company shall comply with the additional requirements of the federal or state statute, rule, permit, order, stipulation agreement, consent decree or schedule of compliance.

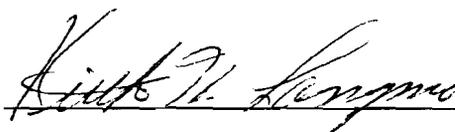
D. This Order is effective upon the date that it is signed by the MPCA Board Chair and by the Commissioner of the MPCA.

**IT IS SO ORDERED BY THE MINNESOTA POLLUTION CONTROL AGENCY:**



Charles W. Williams  
Commissioner  
Minnesota Pollution Control Agency

Date: June 22, 1993



Edward A. Garvey  
Chair  
Minnesota Pollution Control Agency Board

Date: June 22, 1993