

Model Clearinghouse Information Storage and Retrieval System

Record Information Report

Record Number: 99-V -03 Fiscal Year: 1999 Region: 05 Last Update:  
Name: Andersen Windows--Sept. 99 09/18/99

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State(s): MINNESOTA  
Pollutant(s): PM-10  
Regulation(s): SIP Revision  
Source(s): Lumber/Wood Products Plant  
Model(s): ISC3  
Subject(s): Ambient Air  
Urban/Rural: Rural Only  
Oral/Written: Oral  
Terrain: Essentially Flat Terrain  
Guideline: Guideline  
Database: Off-site  
Involvement: Review and Comment

Record Comments:

9/13/99

C/H received a copy of a draft letter from MN describing the Company's plans to preclude public access to their property using a combination of fencing, posting and surveillance cameras. MN proposes to agree with the Company's plan. C/H also received a copy of Region V's proposed response to MN agreeing with the State with some additional requirements. Several discussions took place between the C/H and Region V and the Integrated Policy and Strategies Group (IPSG) of OAQPS. These discussions identified 3 main issues :

1. Can a 24 hour surveillance camera covering the perimeter of the property be substituted in place of a physical barrier?
2. Can a guest house where vendors, VIP's, etc. stay overnight be considered non ambient air? (What is the general public?)
3. Can access to a private residence across a strip of non ambient air property (parking lot) be considered ok as long as the area where access is permitted is modeled below the NAAQS?

The C/H thoughts are the proposal on that issue 1 is ok and consistent with effective exclusion of the general public. However, the letter from MN needs to be clarified to state that the entire perimeter of the property will be covered by the security camera. IPSG thoughts on Issue 1 are that the draft letter and it's suggestions for more fencing, and signage are appropriate. The use of video surveillance is adequate to address restricting access. We have approved similar proposals in the past although each one is always a little bit different

and this one is no exception.

On Issue 2, the C/H is less sure about the concept that an authorized person is no longer a member of the general public, or that an authorized person can "sign away" their right to health protection. We doubt that their invited guests realize that there is some risk to their health involved in their visiting plant property, namely breathing (fill in the pollutant) emissions. From our experience, that aspect of this case is one we've not seen before. We'd be inclined to say that the area is still ambient air and should be modeled. If modeling indicates no violations in this area then the access issue is up to the company but at least we know that public health is not at risk.

For Issue 3, consistent with Issue 2, we agree that if there are no modeled violations in the area where the access to the private then there is no problem.

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Mr. Randall Robinson  
Regional Meteorologist  
US EPA Region V (AR-1SJ)  
77 West Jackson Boulevard  
Chicago, IL 60604-3507

RE: Ambient Air Determination for the Andersen Windows Facility in Bayport,  
Washington  
County, Minnesota

Dear Mr. Robinson:

The Minnesota Pollution Control Agency (MPCA) requests an Environmental  
Protection Agency

(EPA) determination on ambient air. 40 CFR Pt. 50.1(e) defines ambient as "that  
portion of the

atmosphere, external to buildings to which the general public has access."

Specifically, we would

like clarification on the interpretation of "general public", and a  
determination on the use of

continuous security measures on unfenced plant property at Andersen Windows  
(Andersen) in

Bayport, Minnesota.

Andersen will conduct modeling as part of a XL project. The facility is required  
to demonstrate

compliance with the national ambient air quality standards and the prevention of  
significant

deterioration increment standards for PM10. As part of this demonstration, we  
need to determine

the appropriate ambient air boundary.

According to Andersen, the company" utilizes a combination of fencing (both  
chain-link and

decorative types), posting for trespassing and 24-hour security services to  
protect its own assets

and to protect unauthorized persons from inadvertently straying onto Andersen

property endangering themselves." The facility is somewhat unique in that it is integrated into a residential community. In fact, the late Andersen's home (now a guest house) is located on the property. Andersen claims that "residents have expressed opposition to additional fencing near residential areas for fear of enhancing an industrial appearance near public residences." Enclosed are two drawings of the facility property. The first drawing shows the areas proposed for exclusion from ambient air. These areas are identified as "A" and "B". The second drawing identifies the extent of access to the property. Below is an accompanying description of the access.

South of the front entrance of Andersen (\*), shown on Drawing #2, a public road (4th Avenue) splits the Andersen buildings from the employee parking lot. The public road gives the residents of Bayport access to the river. The road is clearly ambient air. This road separates area "A" and "B" on Drawing #1.

Area "B" on Drawing #1 is the employee parking lot. As indicated on Drawing #2, a Bayport resident is authorized to enter the employee parking lot at the 4th Avenue entrance, and proceed through the parking lot in order to enter their driveway at the south end. An 8-foot chain link fence separates the private resident's property from the Andersen parking lot. There are also some employee-owned boathouses along the shoreline on the east side of the employee parking lot. The shoreline is a bay of the St. Croix River. Andersen owns the land on both sides of the relatively narrow bay (See Figure). Employees and their families and guests access the boathouses by driving ~ 4th Avenue and are authorized to park in the employee parking lot. The west side of the parking lot is separated from Main Street by railroad tracks. Beyond the railroad tracks, there is no physical barrier (e.g., a fence) to the general public accessing the parking lot from the west.

The company has full surveillance of Area "B" through 24-hour a day stationary and pan-zoom-tilt security camera coverage, and 24-hour per day vehicle patrols. there are

"no trespassing" signs

at the parking lot entrances, and Andersen will add more "no trespassing" signs pending city

review and approval. Drawing #2 shows the location of the signs, existing (0), proposed ( ) and

pending (4)

The area marked "A" on Drawing #1 contains all the Andersen buildings. On the east side of these

buildings and north of the employee parking lot and 4th Avenue, is Andersen house. Formerly the

home of Mr. and Mrs. Fred C. Andersen, this is a guest house with a garden and lawn. The

separation between Andersen house and 4 Avenue consists of a broken hedge and a continuous

white picket fence about 3-feet high extending to the bay. On the east side of the Andersen house,

part of the property, facing the bay, is a sandy beach. The beach extends into the water. North of

here is a dock and boathouse, which Andersen uses when entertaining. Only authorized persons

are allowed at the guest house, beach dock and boathouse. This entire area has continuous

security camera and patrol coverage, and will have "no trespassing" signs as shown in Drawing #2.

Extending north along the shoreline of the bay to Point Road is scrub brush and riprap. The riprap

and scrub brush appear to be an effective barrier to public access from the river, as it would be

extremely difficult to land a boat in this area. About halfway along the length of the riprap is a

stairway that provides access through the riprap to an outfall (to test water discharge) along the

bay. This stairway has security camera and patrol coverage, and will have "no trespassing" signs.

At Point Road and heading north is an approximately 9-foot high chain link fence. The fence

extends about 500 feet. Where the chain link fence ends, 2-foot posts with an interconnecting

cable extend a short distance. A rail line bisects the north side of the property This area is

patrolled and Andersen will clearly mark the area with "no trespassing" signs. West of the rail line

is a 9-foot chain link fence that runs the distance to the northwest corner of the Andersen

property, turns and extends south to the most northern driveway entrance into

Andersen.

South of this driveway entrance is green space with grass, trees and picnic tables for Andersen employee breaks and lunches. There is no physical barrier between Highway 95 and Andersen.

However, the entire area is under security camera and patrol, and Andersen will mark the area

with "no trespassing" signs pending city review and approval. Chain link fence resumes south of

the parking entrance to Building 46. The fencing abuts Andersen buildings following a path east

along 6th Avenue, and then south. Within the area bounded by the fence and 2~c' Street, and 6th

and

~ Avenues, are residents' homes. No physical barriers beyond railroad tracks and a 1.5 foot

concrete wall exist along Main street south from about 5th Avenue to 4th Avenue, however, this

area (as all others) is~ under 24-hour security camera and patrol, and has an existing "no

trespassing" sign.

Area "C" on Drawing #1 contains additional Andersen buildings. This area is located south of the

southern most point of the employee parking lot (Area "B"). There is no fencing or other physical

barriers, nor is it under the same extent of security coverage as area "A". The MPCA believes that

only the buildings are excluded from ambient air in area "C". No EPA determination is required

for Area "C".

Exclusions of areas "A" and "B" from ambient air depend on EPA's opinion on the use of the

security system as barriers and the interpretation of "general public". Areas "A" and "B" would be

excluded from ambient air if "general public" means unauthorized persons, and if 24-hour full

property security coverage and no trespassing signs constitute adequate control of the property to

prevent public access.

As we discussed on the telephone, you said that you would be able to respond to this request by

the end of August. I look forward to hearing your response. If you have any questions or

concerns regarding this letter, please contact me at (651) 297-7894 or at [margaret.mccourtney@pca.state.mn.us](mailto:margaret.mccourtney@pca.state.mn.us).

Sincerely,  
Margaret McCourtney,  
Environmental Research and Reporting & Action  
Environmental Outcomes Division  
MM:jae  
Enclosures  
cc: Kirk Hogberg, Andersen Windows  
Edward Hoefs, Wenek  
Peggy Bartz, MPCA Metro District  
[Map not included]

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(AR-18J)

Ms. Margaret McCourtney  
Environmental Research and Reporting Section  
Environmental Outcomes Division  
Minnesota Pollution Control Agency  
520 Lafayette Road N.  
St. Paul, MN 55155-4194

Dear Ms. McCourtney:

This letter is in response to your August 9, 1999, letter regarding a determination on ambient air at Andersen Windows (Andersen) located in Bayport, Minnesota. Your letter specifically

requested clarification on the interpretation of "general public" and on the use of continuous security measures in lieu of fencing in some areas.

As you know, 40 Code of Federal Regulations, Part 50.1(e) defines ambient air as "that portion of the atmosphere, external to buildings, to which the general public has access." Clarifications

of this definition over the years have focused on the "public access" aspect.

-This has typically been interpreted by the Environmental Protection Agency to mean that exemptions from ambient

air are only available for areas owned or controlled by the source and to which public access is

precluded by a fence or other physical barriers. The intent of the ambient air clause is to ensure

that the general public does not have access to ambient pollutant concentrations that exceed the

National Ambient Air Quality Standards (NAAQS). I view the general public as essentially

those who do not have authorization to be on plant property. Employees,

delivery personnel, approved visitors, etc. are examples of those would require authorization to be on plant property and would therefore not be considered the general public.

The location of the Andersen facility presents some unique situations with respect to the ambient air boundary question. A combination of fencing and other physical barriers, posting, and use of the 24-hr security camera surveillance and truck patrolling system should provide an adequate barrier to preclude access to the general public. The tour of the Andersen facility on August 31, 1999, was useful and should help bring this issue to resolution. As a result of the Andersen visit, a number of items were identified that need to be addressed. Firstly, chain link fencing should be added to the north boundary of the property, replacing the short cable fence now in existence (north edge of section A in Drawing #1 attached to your letter.) Secondly, additional posting must be placed along on the west side of the facility, along highway 95. Posting must also be added to the segment of property running in front of the old office building and extend south, along the train tracks, to the end of the parking lot identified as section B in Drawing #1. Thirdly, an additional security camera must be added in the northwest corner of section A as well as a camera added along the west edge of section B. Lastly, the segment of the "section B" parking lot which is used as an access to a residential home should be considered as accessible to the general public and therefore regarded as ambient air. This means that segment must be evaluated in the dispersion modeling through the placement of model receptors. The remainder of that parking lot is only available for to authorized personnel (i.e., employees, authorized visitors) and should not be considered ambient air. The above determinations respond to your questions regarding the Andersen facility on a case specific basis. Information in this letter should not be construed as being generally applicable to other situations or facilities. Any future ambient air questions must be dealt with on a consistent,

case-by-case basis. I appreciate you seeking EPA input into this matter.

Please call me if you  
have any questions or comments.

Sincerely,

Randy Robinson

Regional Meteorologist

EPA Region 5