

C/108-10

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
AIR POLLUTION CONTROL COMMISSION

In the matter of administrative proceedings  
against THE DETROIT EDISON COMPANY, a corp-  
oration organized under the laws of New York  
and Michigan and doing business in the City  
of St. Clair, East China Township, St. Clair  
County, Michigan.

APC No. 04-1978

STIPULATION FOR ENTRY OF CONSENT ORDER  
AND  
FINAL ORDER

This proceeding resulted from a request by The Detroit Edison Company, a New York and Michigan corporation [hereinafter referred to as the "Company"], doing business in the City of St. Clair, East China Township, St. Clair County, Michigan, where the Company operates power generation facilities, to the Michigan Air Pollution Control Commission [hereinafter referred to as the "Commission"]. The Company has requested authorization from the Commission, in accordance with the provisions of the Commission's rules and specifically Rule 336.41(c) of the Michigan Administrative Code, to operate Unit 6 at the St. Clair Power Plant at an opacity greater than that otherwise authorized under that rule. The Company and the Staff of the Air Quality Division of the Department of Natural Resources [hereinafter referred to as the "Staff"] hereby agree, subject to the approval by the Commission, to the termination of this proceeding by entry of a Final Order by consent.

The Company and Staff hereby and herewith stipulate and agree as follows:

1. The Company admits and stipulates that the termination of this matter by a Final Order to be entered as a Consent Order is proper and acceptable.

2. The Staff and the Company acknowledge that Unit 6 at the St. Clair Power Plant is subject to the provisions of Rule 336.41 of the Michigan Administrative Code.

3. The Staff and the Company agree that this Consent Order authorizes no exception to the air pollution control regulations except as specifically authorized by Rule 336.41(c) relating to visual emissions for the term of this Consent Order and that nothing in this Consent Order neither negates the applicability of the other rules nor precludes enforcement of the rules.

4. The Staff and the Company hereby stipulate and agree to the following program for affirmative action:

(a) With the effective date of this order, the Company shall begin the required engineering design studies, preliminary to the installation of electrostatic precipitator control equipment to be used to control particulate emissions from Unit 6.

(b) By October 1, 1978, the Company shall submit to the Staff, pursuant to the Commission's rules, acceptable plans and specifications and an application for an installation permit for the electrostatic precipitator for Unit 6.

(c) By April 1, 1979, and after receiving the installation permit referred to in paragraph 4(b), above, the Company shall begin on-site installation of the electrostatic precipitator for Unit 6 and notify the Staff in writing that installation has begun.

(d) By April 1, 1982, the Company shall have completed the installation of the electrostatic precipitator for Unit 6.

(e) The Company shall operate Unit 6 after December 31, 1981, in compliance with Rule 336.41, 1973 AACCS, Administrative Code.

(f) During a malfunction of the existing precipitator, the Company is authorized to operate Unit 6 in accordance with the provisions of the Company's St. Clair Power Plant Order No. 194 as revised on January 18, 1978, included in this Order as Attachment 1. The Company agrees that there will be no change to that order without the prior written approval of the Chief of the Air Quality Division of the Department of Natural Resources. Said Power Plant Order is incorporated in this Order as if fully set forth herein.

(g) The Company is hereby authorized to operate Unit 6, when there is no precipitator malfunction, at an opacity of not greater than 55 percent, computed as a six-minute average, when the scrubber is operating; when the scrubber is not operating, the Company is authorized to operate that unit at an opacity of not greater than 65 percent, computed on a six-minute average.

(h) The authorization contained in paragraphs 4(f) and (g), above, shall expire on December 31, 1981, unless extended by the Commission.

##### 5. MODIFICATION OF ORDER:

(a) The Staff and the Company agree that should the Michigan Legislature amend the Air Pollution Act after the executed date of this contract, or should the Commission promulgate new rules or amend existing

rules pursuant to the Air Pollution Act, or should the United States Environmental Protection Agency amend existing regulations or promulgate new regulations, the contract shall not be construed to prevent enforcement of the new act or rules as to the Company, the matter of air pollution enforcement being one of strong public policy.

(b) The Company and Staff agree that neither the execution of this Order nor anything contained herein shall be construed as waiving any rights of the Commission or the Company under the Air Pollution Control Act, 1965 PA 348, as amended, being MCLA 336.11, et seq., except as set forth herein.

6. The Staff and the Company both acknowledge that a public hearing on this Order was held on May 18, 1978. Both Staff and the Company hereby consent to enforcement of this Stipulation and Final Order in the same manner and by the same procedures for all Final Orders entered pursuant to Section 16 of Act 257 of the Public Acts of 1972, being Section 336.26 of the Michigan Compiled Laws, including, but not limited to, enforcement by legal action brought under 1972 PA 257 and/or 1970 PA 127.

Approved as to Form and Content:

*C. M. Heide*

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THE DETROIT EDISON COMPANY

Dated: \_\_\_\_\_

Approved as to Content:

*Delbert Rector*

Delbert Rector, Chief  
AIR QUALITY DIVISION  
DEPARTMENT OF NATURAL RESOURCES

Dated: October 11, 1978

Approved as to Form:

*Henry J. [Signature]*

Assistant Attorney General  
DEPARTMENT OF ATTORNEY GENERAL

Dated: October 10, 1978

FINAL ORDER

This Commission having had opportunity to review the above stated Stipulation for Entry of Consent Order, and this Commission having authorized the Executive Secretary of the Air Pollution Control Commission as agent of the Commission to enter into Consent Orders,

IT IS ORDERED that this Consent Order shall be entered in the record of this Commission as stated herein.

AIR POLLUTION CONTROL COMMISSION

By:

*Delbert Rector*

Delbert Rector  
Executive Secretary

Dated:

October 11, 1978 ✓