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BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing Sulfur)
Dioxide Emission Limitations for Lime)
Kilns 1 and 2 at CLM Corporation,) ORDER NO: AM-91-816A
Superior, Douglas County, Wisconsin)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

The Department of Natural Resources (DNR) finds that:

1. CLM Corporation, owns and operates a lime manufacturing plant located at Hill Avenue and Winter Street in Superior, Douglas County, Wisconsin.
2. CLM Corporation operates three direct sources capable of emitting sulfur dioxide to the atmosphere at this location. The sulfur dioxide is generated from the combustion of sulfur containing fossil fuels in its lime kilns. The three sources are:
 - a. Stack S11, Process P31: Rotary Lime Kiln 1, with a heat input capacity of 56.1 million BTU per hour (MMBTU/hr), capable of firing natural gas, coal, wood, residual fuel oil and petroleum coke or a mixture of these fuels.
 - b. Stack S10, Process P30: Rotary Lime Kiln 2, with a heat input capacity of 76.5 MMBTU/hr, capable of firing natural gas, coal, wood, residual fuel oil and petroleum coke or a mixture of these fuels.
 - c. Stack S14, Process P33: Rotary Lime Kiln 3, with a heat input capacity of 120.9 MMBTU/hr, capable of firing natural gas, coal, wood, residual fuel oil and petroleum coke or a mixture of these fuels.
3. Section NR 417.07(2), Wis. Adm. Code, establishes statewide sulfur dioxide emission limitations for existing sources in order to ensure that all areas in Wisconsin will attain the national ambient air quality standards for sulfur dioxide.

4. Section NR 417.07(4), Wis. Adm. Code, states that the DNR may require a source to meet a more restrictive emission limitation than the categorical emission limitations which would otherwise be applicable under s. NR. 417.07(2), Wis. Adm. Code, if the DNR determines that a more restrictive emission limitation is required to ensure that the source will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.
5. The DNR has determined that more restrictive emission limitations are required to ensure that CLM Corporation will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.

CONCLUSIONS OF LAW

DNR concludes that:

1. The DNR has the authority under s. 144.31(1)(a), Stats. to promulgate rules to establish emission limitations.
2. The operation of direct sources of sulfur dioxide by CLM Corporation, Superior, Wisconsin is subject to the limitations set forth in s. NR 417.07(2), Wis. Adm. Code.
3. The DNR has the authority under s. NR 417.07(4), Wis. Adm. Code, to establish more restrictive sulfur dioxide emission limitations than the categorical emission limitations.
4. The DNR has the authority under s. 144.31(2)(b), Stats., to issue this Order.
5. The issuance of this Order is reasonable and necessary to accomplish the purposes of ss. 144.30 to 144.426, Stats., and s. NR 417.07, Wis. Adm. Code. This Order is enforceable under ss. 144.423 and 144.426, Stats. and ch. NR 494, Wis Adm. Code.

ORDER

DNR hereby orders and establishes the following emission limits for the CLM Corporation's lime manufacturing facility in Superior, Wisconsin:

1. Rotary Lime Kiln 1 shall meet an emission limitation of 136.2 pounds of sulfur dioxide per hour.
2. Rotary Lime Kiln 2 shall meet an emission limitation of 183.5 pounds of sulfur dioxide per hour.

3. The 125 feet stacks (numbered 10, 11, and 14) shall be maintained at no less than their current heights and each kiln shall only emit through its respective stack.
4. The sulfur dioxide emission limits established in this Order supersede the sulfur dioxide emission limits established in Order number 89-816036430-J01, issued by the DNR to CLM Corporation on January 10, 1989.

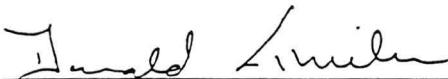
NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30 day period for filing a petition for judicial review.

This notice is provided pursuant to s. 227.48(2), Stats.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary


Donald F. Theiler, Director
Bureau of Air Management

Dated: _____

6/13/91

