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BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing)
A Sulfur Dioxide Emission Limitation) 86-154008030-J01 ORDER
for Frank Brothers Inc., P.O. Box)
296, Milton, WI 53563)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

The Department of Natural Resources, hereinafter DNR, finds that:

1. Frank Brothers, Inc.'s 150 ton per hour asphalt plant, FID number 154008030 is located at Highway 59 in the Township of Milton, Rock County, Wisconsin.
2. Frank Brothers, Inc. operates the following direct source(s) capable of emitting sulfur dioxide at this location:

Stack S11, Process P31: A Barber-Greene Model DM50 150 ton per hour asphalt plant.
3. Section NR 154.12(11), Wis. Adm. Code, establishes statewide sulfur dioxide emission limitations in order to ensure that all areas in Wisconsin will attain the National Ambient Air Quality Standards for sulfur dioxide by December 31, 1987.
4. Section NR 154.12(11)(d), 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 sec. NR 154.12(11)(b) or (c), 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 a more restrictive emission limitation is required to ensure that Frank Brothers, Inc. will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.

CONCLUSIONS OF LAW

The DNR concludes that:

1. The DNR has the authority under sec. 144.31(1), Stats., to promulgate rules to establish emission limitations.

2. The operation of direct source(s) of sulfur dioxide by Frank Brothers, Inc. is subject to the limitations contained in sec. NR 154.12(11), Wis. Adm. Code.
3. The DNR has the authority under sec. NR 154.12(11)(d), Wis. Adm. Code, to establish a more restrictive sulfur dioxide emission limitation than the categorical emission limitations.
4. The DNR has the authority under sec. 144.31(2)(b), Stats., to issue this administrative order.
5. The issuance of this administrative order is reasonable and necessary to accomplish the purposes of secs. 144.30 to 144.426, Stats., and sec. NR 154.12(11), Wis. Adm. Code.

ORDER

It is therefore ordered that Frank Brothers, Inc. shall meet the following emission limitation(s) by December 31, 1987:


FID #154008030, Stack S11, Process P31: 1.42 pounds of sulfur dioxide per million BTU heat input from the fuel burning equipment to any stack.

NOTICE

This administrative order is effective immediately unless a petition for a contested case hearing for administrative review of this order is filed with the DNR under sec. 144.403, Stats., within 30 days after the date of this order. Any petition for a hearing should name the Wisconsin Department of Natural Resources as respondent. The petition must set forth specifically the issue sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted and the relief desired. This notice is provided pursuant to sec. 227.48(2), Stats., (as renumbered by 1985 Wisconsin Act 182).

Dated at Madison, Wisconsin this 29th day of September, 1986.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES


Carroll D. Besadny Secretary

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