

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing)
Sulfur Dioxide Emission Limitations) 86-241014730-J01 ORDER
for American Can Company, 6000 North)
Teutonia Avenue, Milwaukee, WI 53209)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

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

1. American Can Company is located at 6000 North Teutonia Avenue in Milwaukee, Wisconsin.
2. American Can Company operates the following direct source(s) capable of emitting sulfur dioxide at this location:

Stack S18, Boiler B22: A steam generating unit, capable of firing residual fuel oil.

Stack S19, Boiler B20: A steam generating unit, capable of firing residual fuel oil.

Stack S20, Boiler B21: A steam generating unit, capable of firing residual fuel oil.
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 more restrictive emission limitations are required to ensure that American Can Company 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 American Can Company 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 American Can Company shall meet the following emission limitation(s) by December 31, 1987:

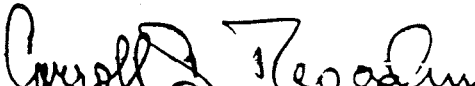
1. Stack S18, Boiler B22: 1.32 pounds of sulfur dioxide per million BTU heat input to any stack.
2. Stack S19, Boiler B20: 1.32 pounds of sulfur dioxide per million BTU heat input to any stack.
3. Stack S20, Boiler B21: 1.32 pounds of sulfur dioxide per million BTU heat input to any stack.

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 30th day of September, 1986.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES



Carroll D. Besadny, Secretary

9261Q
9/29/86