

(77)

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing)
A Sulfur Dioxide Emission) 87-424017550-J02 MODIFIED ORDER
Limitation for Berlin Foundry)
Corporation, 242 South Pearl)
Street, Berlin, WI 54923)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

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

1. Berlin Foundry Corporation is located at 242 South Pearl Street in Berlin, Wisconsin.
2. Berlin Foundry Corporation operates the following direct source(s) capable of emitting sulfur dioxide at this location:

Stack S10, Process, P31: A grey iron cupola rated at 12 tons of metal per hour.
3. Section NR 417.07, 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 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 sec. NR 417.07(2) or (3), 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 Berlin Foundry Corporation will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.
6. Order #86-424017550-J01, issued on September 30, 1986 to Berlin Foundry Corporation, is hereby rescinded and replaced by this Modified Order #87-424017550-J02.

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 Berlin Foundry Corporation is subject to the limitations contained in sec. NR 417.07, Wis. Adm. Code.
3. The DNR has the authority under sec. NR 417.07(4), 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 417.07, Wis. Adm. Code.

ORDER

It is therefore ordered that Berlin Foundry Corporation shall meet the following emission limitation(s) by December 31, 1987:

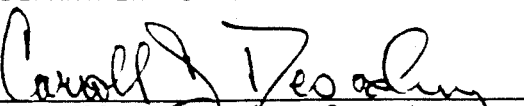
Stack S10, Process P31: 1.19 pounds of sulfur dioxide per million BTU heat input to any stack.

NOTICE

This Order is effective immediately unless a petition for a contested case hearing for administrative review of this Order is served on the Secretary of the DNR under sec. 144.403, Stats., within 30 days after the date of this Order. 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.

Dated at Madison, Wisconsin this 2nd day of March, 1987.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES


Carroll D. Besadny, Secretary