

(AAA)

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing )  
A Sulfur Dioxide Emission Limitation ) 86-424021180-NO1 ORDER  
for Berlin Tanning and Manufacturing )  
Company, 235 South Wisconsin 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 Tanning and Manufacturing Company is located at 235 South Wisconsin Street in Berlin, Wisconsin.
2. Berlin Tanning and Manufacturing Company operates the following direct source(s) capable of emitting sulfur dioxide at this location:  
  
Stack S10, Boiler B10: 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 a more restrictive emission limitation is required to ensure that Berlin Tanning and Manufacturing 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 Berlin Tanning and Manufacturing 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 Berlin Tanning and Manufacturing Company shall meet the following emission limitation(s) by December 31, 1987:

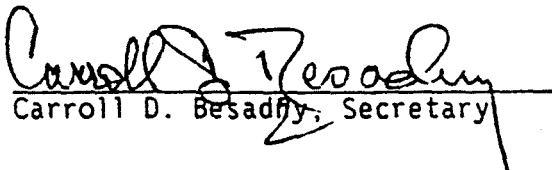
Stack S10, Boiler B10: 2.28 pounds of sulfur dioxide per million BTU heat input to any stack.

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 30<sup>th</sup> day of September, 1986.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

  
Carroll D. Besadny, Secretary

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9/29/86