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BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing Annual Sulfur Dioxide     )  
Emission Limitations for Oscar Mayer Foods Corp.     )  
910 Mayer Drive, Madison, Wisconsin 53707            )

ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Findings of Fact

The Department finds that:

1. Oscar Mayer Foods Corporation is located at 910 Mayer Drive, in Madison, Wisconsin.
2. Oscar Mayer operates two coal-fired industrial boilers whose exhaust gas streams are vented into one 208 foot smoke stack.
3. On December 1, 1979, s. NR 154.12(5), Wisconsin Administrative Code, became effective. This subsection limits sulfur dioxide emissions in Madison, Wisconsin.
4. On August 30, 1980, Oscar Mayer Foods Corporation submitted to the Department of Natural Resources (Department) a request for a variance from s. NR 154.12(5), Wis. Adm. Code. This variance request included construction of the present 208 foot stack, a revised emission limit for sulfur dioxide and combining the exhaust gas streams from the two coal-fired boilers into the one 208 foot stack.
5. The Department, on August 31, 1980, submitted Oscar Mayer's variance request to U.S. Environmental Protection Agency as a source specific revision to Wisconsin's State Implementation Plan.
6. In the April 13, 1982, Federal Register, the U.S. Environmental Protection Agency approved and promulgated the revision to Wisconsin's State Implementation Plan, including the variance requested by Oscar Mayer.
7. As a result of the variance approval, the allowable sulfur dioxide emission limit for the two coal-fired boilers is 7044.5 tons per year.
8. In the July 8, 1985, Federal Register, the U.S. Environmental Protection Agency promulgated their final stack height rule defining "dispersion techniques". The U.S. Environmental Protection Agency defined combining exhaust gas streams into one stack as a dispersion technique. The stack height rule disallows credit for air quality improvement resulting from a dispersion technique.

9. Sources with total allowable sulfur dioxide emissions less than 5000 tons per year are exempt from the dispersion technique definition as it relates to sulfur dioxide.
10. Oscar Mayer Foods Corporation is willing to accept an emission limit restricting their total sulfur dioxide emissions to 4500 tons per year. If Oscar Mayer Foods Corporation's total sulfur dioxide emissions are restricted to less than 5000 tons per year, the plant will be exempt from the dispersion technique definition as it relates to sulfur dioxide and may retain credit for their combined exhaust gas streams.

#### CONCLUSIONS OF LAW

The Department concludes that:

1. The Department has the authority under s. 144.31(1)(a), Wis. Stats., to promulgate rules to establish emission limitations.
2. The Department has the authority under s. 144.31(2)(b), Wis. Stats., to issue this administrative Order.
3. The issuance of this Order is reasonable and necessary to accomplish the purposes of ss. 144.30 to 144.426, Wis. Stats.

#### ORDER

It is therefore ordered that:

Oscar Mayer Foods Corporation may not emit more than 4500 tons per year of sulfur dioxide from all air emissions sources at their plant located at 910 Mayer Drive, Madison, Wisconsin.

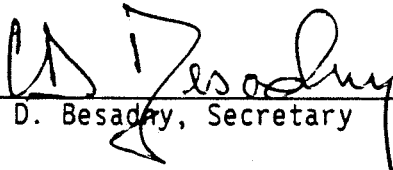
#### NOTICE

This administrative Order is effective immediately unless a petition for a contested case hearing for administrative review of this Order is filed with the Department under section 144.403, Wis. 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 s. 227.11(2), Wis. Stats.

Dated at Madison, Wisconsin this 1<sup>st</sup> day of August, 1986.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

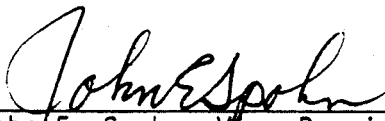
  
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C. D. Besada, Secretary

WAIVER

John E. Spohn, Vice President, authorized representative of Oscar Mayer Foods Corporation, hereby consents to the issuance of this Order and hereby waives his statutory right to request a hearing before the Department of Natural Resources regarding the foregoing Findings of Fact, Conclusions of Law and Order under s. 144.403, Wis. Stats., and to challenge the Order in Circuit Court under ss. 227.15 and 227.16, Wis. Stats., or under any other provision of law. John E. Spohn further agrees that the Order is effective and enforceable once it is issued by the Department of Natural Resources and may be enforced in accordance with s. 144.426, Wis. Stats.

*Law 7/26/86*

Date: 7/22/86

  
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John E. Spohn, Vice President  
Oscar Mayer Foods Corporation

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5/23/86