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BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing Sulfur Dioxide)
Emission Limitations for the University of Wisconsin)
Charter Street Heating Plant, 117 North Charter Street,)
Madison, Wisconsin) PROPOSED ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Findings of Fact

The Department finds that:

1. The University of Wisconsin (U.W.) is located in Madison, Wisconsin.
2. The University of Wisconsin operates two heating plants in Madison, Wisconsin: one located at 117 North Charter Street and the other located at 505 Walnut Street.
3. On December 1, 1979, s. NR 154.12(5), Wisconsin Administrative Code, became effective. This subsection limits sulfur dioxide emissions in Madison, Wisconsin. Coal combustion emission limits at the Charter Street Heating Plant are 5.8 pounds of sulfur dioxide per million BTU heat input. Distillate fuel oil combustion emission limits at the Charter Street Heating Plant are 0.5% by weight sulfur content in the fuel oil. Residual and distillate fuel oil sulfur limitations for the Walnut Street Heating Plant are 1.1% by weight and 0.5% by weight respectively.
4. In the April 13, 1982, Federal Register, the U.S. Environmental Protection Agency (EPA) approved and promulgated the revision to Wisconsin's State Implementation Plan limiting sulfur dioxide emissions in Madison, Wisconsin.
5. In the July 8, 1985, Federal Register, the EPA promulgated their final stack height rule (40 CFR 51). This stack height rule disallows credit for air quality improvement resulting from smoke stacks exceeding good engineering practice.
6. The U.W. Walnut Street Heating Plant's smoke stack exceeds the good engineering practice height, as defined in EPA's final stack height rule.
7. The Department of Natural Resources (Department) conducted an air quality analysis to determine if sulfur dioxide air quality standards would be maintained if the Walnut Street Heating Plant's smoke stack was at the good engineering practice height defined by EPA's rule. Due to the proximity of the Charter Street plant to the Walnut Street plant, the Charter Street plant was included in the Walnut Street air quality analysis. Analysis results show that, in order to maintain the sulfur dioxide air quality standards, the Charter Street Heating Plant's stack emissions must be limited to 3.18 pounds of sulfur dioxide per million BTU heat input, as derived from the fuels. No change in emission limits are necessary for Walnut Street.

8. The U.W. is willing to accept an emission limit restricting the sulfur dioxide emissions from the Charter Street Heating Plant to 3.18 pounds of sulfur dioxide per million BTU heat input as derived from the fuels.

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:

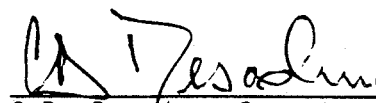
1. The University of Wisconsin's Charter Street Heating Plant shall not emit more than 3.18 pounds of sulfur dioxide per million BTU heat input, as derived from the fuels.
2. The University of Wisconsin shall submit a compliance plan acceptable to the Department setting forth its method of complying with this Order within 45 days of the effective date of this order.

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 s. 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 6th day of August, 1986.


STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES


C.D. Besadny, Secretary

WAIVER

Phillip H. Michalski, Chief Mechanical Engineer, authorized representative of the University of Wisconsin, hereby consents to the issuance of this Order and hereby waives the U.W.'s 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 in law. Phillip H. Michalski 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.

Date: 7-31-86



Phillip H. Michalski
Chief Mechanical Engineer
University of Wisconsin

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5/22/86