

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
324 East 11 Street
Kansas City, Missouri 64106

80 APR 4 All: 17

4/3/80

IN THE MATTER OF:) NPDES Permit No. OK-0034614
PUBLIC SERVICE COMPANY OF OKLAHOMA)
Black Fox Station) Administrative Law Judge

ORDER

On March 6, 1980, the Regional Administrator of Region VI, US EPA, rendered her Initial Decision remanding for adjudicatory hearing three issues raised, in its request for Adjudicatory Hearing, by Citizen's Action for Safe Energy (CASE).

Said Initial Decision was rendered pursuant to CASE's document filed herein entitled "Petition...for Administrator's Review, Request for Administrator to Initiate Review, Application for Order Directing that Adjudicatory Hearing be Held, Application for Stay", which sought review of the Presiding Officer's Order, of November 21, 1973, dismissing CASE issues numbered Issues 1 through 7.

By said decision, it is ruled that CASE Issues 3, 4, 6, and 7 were properly stricken and that the instant proceedings are remanded to allow introduction of evidence to determine disputed facts relevant to the resolutions of CASE Issues 1, 2, and 5.

It is further ruled that, to the extent that the Stipulation of Settlement entered into between Permittee Public Service Company of Oklahoma (PSO) and EPA purports to settle CASE issues, said stipulation is void.

On the basis of the foregoing, it is hereby ORDERED that an Adjudicatory Hearing shall be held in Tulsa, Oklahoma on Wednesday, July 9, 1980, beginning at 10 a.m. The place for said hearing will be

announced in advance of said date. At said hearing the following issues will be addressed by testimony elicited by the parties:

- (1) Whether or not the effluent limitations of the permit, as expressed in the formula $A = \frac{B(K-P_1)}{P_2-K} \times \text{MGD}$, are consistent with approved water quality standards of the State of Oklahoma and applicable New Source Performance Standards.
- (2) Whether or not the effluent limitations of the permit can be appropriately stated as daily average and maximum weight limitations, and
- (3) Whether or not thermal discharge limitations of the permit are consistent with approved water quality standards of the State of Oklahoma.

Further, evidence elicited at said hearing shall determine whether the following permit conditions are adequate:

- (a) A-1; page 3; TSS,
- (b) A-2; page 3, TSS, BOD,
- (c) A-3; page 4; Free available chlorine, phosphorus,
- (d) A-4; page 5, 6; oil and grease in metal cleaning wastewater flow, and
- (e) A-5, page 5; oil and grease.

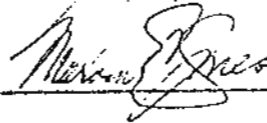
The parties herein are referred to 44 FR 124.85* (June 7, 1979), Hearing Procedure, which provides those parties who shall bear the burden of proof and the burden of going forward in the instant case. Written direct testimony, in narrative form, shall be filed with the Regional Hearing Clerk on or before May 16, 1980, by the party having the burden of going forward to present an affirmative case. Other direct testimony shall be filed on or before June 6, 1980. Rebuttal testimony, in narrative form, shall be filed with the Regional Hearing Clerk on or before June 20, 1980. Sufficient copies of such testimony shall be filed so that the Clerk can distribute copies to each party

* Also cited 40 CFR 124.85 (Revised 7/1/79)

and to the Presiding Officer, and a description of all exhibits to be identified at said hearing shall accompany such testimony with the name of the sponsoring witness. All said witnesses shall be present at said hearing to orally testify and submit to cross-examination.

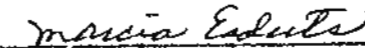
It is so Ordered.

April 2, 1980


ALJ

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order is being sent by Certified Mail, Return Receipt requested, to each of the parties listed below on April 2, 1980.


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bcc: Judge Perlman, US EPA, Washington DC