



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

AUG 10 1995

(AT-18J)

Dale Ziege
Bureau of Air Management
State of Wisconsin
Department of Natural Resources
101 South Webster Street
Box 7921
Madison, WI 53707

Dear Mr. Ziege:

I am writing to you as a follow-up of our telephone conversation on August 2, 1995, concerning Western Lime Corporation, permit number 42004280.P01. These comments are a summary of what Western Lime, the United States Environmental Protection Agency (USEPA), and the Wisconsin Department of Natural Resources (WDNR) agreed needed to be clarified or changed in Western Lime's draft Title V permit.

The main concern deals with the relationship between Western Lime and Michael's, and whether this relationship is such that it requires the two firms to be considered as one source for Title 5 permitting purposes. Western Lime appears to have an informal agreement with Michael's to perform the crushing, screening, and conveying of the stone for Western Lime's facility. Currently, Western Lime does not have a written contract with Michael's concerning the quantity of the stone and the percent of Michael's output that Michael's produces for Western Lime. Because the agreement is only a verbal agreement and this would not necessarily bind Michael's to the less than 50 percent output going to Western Lime, Michael's would appear to fall under the support facility criteria for Title V of 40 CFR 70.1, under major source definition. This means that WDNR would ordinarily include Michael's activities and emissions in Western Lime's permit as a support facility.

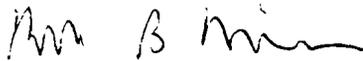
Western Lime maintains that it uses less than 50 percent of Michael's output. If Western Lime can demonstrate and can continue to demonstrate that historically, currently, and in the future it does not use more than 50 percent of the stone produced by Michael's, then WDNR should determine that Michael's is not a support facility.

The historical and current demonstration should include Michael's data from at least the last 2 previous years of production. To assure that Michael's non-support facility status then continues, we recommend that a permit condition be employed (1) requiring future production data from Michael's be obtained, kept, and routinely submitted to the WDNR, and (2) allowing the

permit to be reopened if this 50 percent assumption no longer holds true in the future. The information required to be submitted by this permit condition should be sufficient to enable WDNR to determine when and if Michael's changes production such that more than 50 percent of its output goes to Western Lime. If Michael's sales to Western Lime exceeds 50 percent, then WDNR should reopen and reissue the Western Lime permit commensurate with the determination that Michael's and Western Lime are considered as one source for Title 5 purposes.

We would like to thank WDNR for giving us the opportunity to comment on this permit while it still is in the formative stage. If you have any further questions regarding this letter or would like to discuss the matter further, please contact Laura Gire at (312) 886-5031.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Miller, Chief
Permits and Grants Section