STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL COMMISSION

In the matter of administrative proceedings against LANSING BOARD OF WATER AND LIGHT, concerning sulfur dioxide emissions from fossil fuel burning operations in the City of Lansing, County of Ingham, and the Township of Delta, County of Eaton, State of Michigan.	APC No. 04-1979

STIPULATION FOR ENTRY OF CONSENT ORDER
AND
FINAL ORDER

This proceeding resulted from allegations by the staff of the Air Quality Division of the Department of Natural Resources (hereinafter referred to as the "Staff"). The Staff alleges that the City of Lansing's Board of Water and Light (hereinafter referred to as the "Board"), operates the Eckert, Moores Park, Erickson, and Ottawa Street stations (hereinafter referred to as the "Power Plant") located in the City of Lansing, County of Ingham, and Township of Delta, County of Eaton, State of Michigan, and that the Eckert and Erickson Stations are emitting sulfur dioxide that is in excess of allowable limits according to provisions of Administrative Code, R 336.49 (1973 AACS, pages 6660-6661). The Board and the Staff agree to the termination of this proceeding by entry of a Final Order by consent.

The Board and Staff stipulate and agree as follows:

1. The Board admits that the Chief of the Air Quality Division of the Department of Natural Resources is authorized by resolution of the Air Pollution Control Commission (hereinafter "Commission") adopted June 28, 1977, as agent of the Commission to enter into this Final Order by consent.

2. The Board admits that the Chief of the Air Quality Division of the Department of Natural Resources is charged with the investigation and enforcement of all orders,

regulations, rules, standards and statutes of the State of Michigan concerning the emission and control of air contaminants.

3. The Board stipulates that the termination of this matter by a Final Order to be entered as a Consent Order is proper and acceptable.

4. The Board and the Staff agree that the signing of this stipulation is for settlement purposes only and does not constitute an admission by the Board that the law has been violated.

5. The Staff and the Board acknowledge that sulfur dioxide emission limits set forth in Tables 3 and 4 of R 336.49, Administrative Code, 1973 AACS, became effective on July 1, 1978. The Commission may grant specific authorization, for good cause shown, to delay the effective date of the limits set forth in Tables 3 and 4 of Rule 336.49 until January 1, 1980.

6. The Board and Staff agree that this final consent order shall supercede the requirements and terms of the Stipulation for Entry of Consent Order and Final Order, APC No. 11-1975, and subsequent amendments thereto.

7. The Board shall achieve compliance with the emission limitations of R 336.49. This shall be done in accordance with the following schedules:

C. ECKERT AND MOORES PARK STATIONS:

(2) Erection of tall stacks:

(a) The Staff acknowledges that the Board has submitted to Staff acceptable plans, specifications, and a permit application (No. 966-78) for erection of "good engineering practice" stacks. The Board agrees that the design of the stacks does not preclude the installation of flue gas desulfurization equipment. The Board agrees that the decrease of sulfur dioxide ground level concentrations provided by these stacks is not, in any manner, a justification or reason for a future request to burn fuels having a sulfur content exceeding the limits specified herein.

(b) By March 1, 1979, the Board shall award the contract for construction of the stacks and liners described in C(2)(a), above.

(c) By April 25, 1979, the Board shall award the contract for construction of the foundations described in C(2)(a).

(d) By May 1, 1979, the Board shall have begun construction of the foundations described in C(2)(c).

(e) By November 1, 1979, the Board shall have begun construction of the stacks described in C(2)(a) for Eckert Units 1, 2, 3, 4, 5, and 6.

(f) By May 1, 1980, the Board shall have begun construction of the stack described in C(2)(a) for the Moores Park Station.

(g) By July 1, 1982, the Board shall have completed the tie-in of Eckert Units 4, 5, and 6 to the stack described in C(2)(a).

(h) By November 1, 1982, the Board shall have completed the tie-in of the Moores Park Station to the stack described in C(2)(a).

(i) After December 31, 1982, the Board shall not operate Eckert Units 1, 2, and 3, unless the exhaust gases from these units are discharged through the stack described in C(2)(a).

9. The Staff and the Board agree that this order shall not be construed to prevent enforcement of any new or amended federal or state rules or regulations. The Board and Staff agree that no provision of this final consent order shall be construed as a variance under the terms of Section 22 of the Michigan Air Pollution Act, MCLA 336.32.

10. Staff and the Board both acknowledge that a public hearing on this abatement program was held on April 20, 1979. Both Staff and the Board consent to enforcement of this Stipulation and Final Order in the same manner and by the same procedures for all final orders entered pursuant to Section 16 of 1972 PA 257, MCLA 336.26.

Approved as to Form:

Joseph Lovey

Assistant City Attorney

Dated: MAY 23 1979

Approved as to Content:

BOARD OF WATER AND LIGHT:

Roland A. Rhead

Chairman

Donna Smeaton

Secretary

Dated: MAY 23 1979

Approved as to Content:

Delbert Rector, Chief
Air Quality Division
Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909

Dated: _____

Approved as to Form:

Assistant Attorney General
Department of Attorney General
720 Law Building
Lansing, Michigan 48913

Dated: _____

FINAL ORDER

This Commission having had opportunity to review the above stated Stipulation for Entry of Consent Order, and this Commission having authorized the Chief of the Air Quality Division of the Department of Natural Resources as agent of the Commission to enter into Consent Orders,

IT IS ORDERED that this Consent Order shall be entered in the record of this Commission as stated herein.

AIR POLLUTION CONTROL COMMISSION

By: _____

Delbert Rector, Chief
Air Quality Division
Department of Natural Resources

Dated: _____