



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Lloyd L. Eagan, Regional Director

South Central Region Headquarters
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May 3, 2006

FILE CODE: 4530
FID #: 113125320
PERMIT #: 03-POY-328

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Robert M. Johnston
President and COO
Madison-Kipp Corp.
201 Waubesa Street, PO Box 8043
Madison, WI 53708-8043

Dear Mr. Johnston:

Enclosed is the Department's decision to revoke Madison-Kipp Corp.'s air pollution control permit, No. 03-POY-328, for the modification of two reverberatory aluminum melt furnaces (RCI-1 and RCI 2).

Should you have any questions regarding this matter, please feel free to contact me at 608-273-5604.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to s. 285.81, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for a contested case hearing on the Secretary of the Department of Natural Resources. Any such petition for hearing shall set forth the issues sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted and the relief desired.

A person other than a permit holder or applicant may file a petition for a contested case hearing if the requirements of s. 285.81(2), Wis. Stats., are met.

For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES



Bradford Pyle
Air Management Engineer

Enclosure

cc: Biren Patel — South Central Region Headquarters

AM/7 NSR

Penner LS/5

Frank Jablonski-354 W. Main St. Madison, WI 53703

CAM, PO Box 14172, Madison, WI 53708

Todd Palmer-DeWitt Ross and Stevens, Two East Mifflin Street, Madison, WI 53703

Lorraine Stoltzfus-DOJ

JoAnne Kloppenburg-DOJ

Permit Section, EPA Region V, Wisconsin, Air and Radiation Division, 77 W. Jackson, Chicago, IL 60604

John Hausbeck- Madison Department of Public Health, 210 Martin Luther King, Jr. Blvd., Madison, WI 53703

**BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AIR MANAGEMENT PROGRAM**

In the Matter of Revoking Air)
Pollution Control Permit 03-POY-328)
For Madison-Kipp Corp.)
2824 Atwood & 201 Waubesa)
Madison, Dane County, Wisconsin;

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Findings of Fact

The Department of Natural Resources (DNR) finds that:

- 1) Madison-Kipp Corp. is located at 2824 Atwood & 201 Waubesa, Madison, Dane County, Wisconsin.
- 2) DNR issued Madison-Kipp Corp. an air pollution control construction permit, No. 03-POY-328, on April 26, 2004, authorizing the modification of two reverberatory aluminum melt furnaces (RCI-1 and RCI 2). The permit was subsequently modified after a contested case hearing, pursuant to a decision issued by the Division of Hearings and Appeals in November, 2005.
- 3) Madison-Kipp Corp. submitted a request to DNR for revocation of air pollution control permit 03-POY-328 and additional information on January 23, 2006. Madison-Kipp no longer has a need for the increased emission levels or a change to the requirement for separation between charge of metal and chlorine addition. Madison-Kipp Corp. may continue to operate the furnaces in compliance with operation permit 113014220-P01.
- 4) DNR reviewed Madison-Kipp Corp.'s request and supporting materials and determined that the request to revoke the air pollution control permit is approvable. DNR received comments from the public on April 17, 2006. DNR reviewed the comments and considered them prior to making a final decision.
- 5) DNR has complied with the notification procedures set forth in s. NR 406.11, Wis. Adm. Code.
- 6) DNR has complied with the requirements of s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code.

Conclusions of Law

DNR concludes that:

- 1) DNR has authority under s. 285.67, Wis. Stats., to promulgate rules containing criteria and procedures for revising, suspending, or revoking air pollution control permits. The rules for revoking construction permits are set forth in s. 406.11, Wis. Adm. Code.
- 2) DNR has authority under s. 285.67, Wis. Stats., and s. NR 406.11(1), Wis. Adm. Code, to revoke Madison-Kipp Corp.'s air pollution control construction permit upon the request of the permittee.

- 3) DNR is required to comply with s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code, in conjunction with revoking an air pollution control permit.

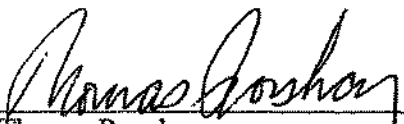
Decision

DNR hereby revokes Madison-Kipp Corp.'s Air Pollution Control Permit, No. 03-POY-328, for modification of two reverberatory aluminum melt furnaces (RCI-1 and RCI 2).

Dated at Fitchburg, Wisconsin

MAY 3, 2006.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By 
Thomas Roushar
Environmental Engineer Supervisor