

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison, WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
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September 27, 2019

FID NO.: 816009590

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CONSTRUCTION PERMIT NO.: 19-RAB-057

Kollin Schade, Refinery Manager
Superior Refining Company LLC
2407 Stinson Avenue
Superior, WI 54880-4486

AM/7

Dear Mr. Schade:

Your application for an air pollution control construction permit has been processed in accordance with s. 285.61, Wis. Stats.

The enclosed construction permit is issued to provide authorization for your source to construct the Rebuild Project and initially operate in accordance with the requirements and conditions set forth within all Parts of the construction permit. Please read it carefully. The project includes the modification of the fluid catalytic cracking unit, cooling tower no. 1, the crude unit, the vacuum unit, asphalt rail and truck loading, several petroleum storage tanks, a process sewer, a sour water stripper, and the alkylation unit and the installation of two (2) refinery fuel gas process heaters, two (2) asphalt storage tanks, a gasoline rail unloading station, a solids handling process, chemical totes, and several conveyance pipelines. The authority to construct any process covered in the construction permit expires 42 months after the day this permit is issued. All of the conditions of this construction permit (those conditions identified by the construction permit number) are permanent unless they are revised through the process outlined in s. NR 406.11, Wis. Adm. Code, issuance of a revised construction permit or issuance of a new construction permit, as appropriate. The source(s) covered in this permit may not operate after this permit expires unless a complete operation permit application for the source(s) has been submitted. Compliance information required to complete the operation permit application for the source(s) included in this construction permit should be submitted by the due dates specified within the construction permit or at least **4 months** prior to the construction permit expiration date whichever is sooner.

A bill for the cost of reviewing and acting upon your air pollution control permit will be mailed to you under a separate cover.

The issuance of this permit may create or change your EPA Class Code designation, which may create or change the annual environmental fee to which your facility will be or is subject. These annual fees are required for the DNR to fund the workload associated with air permits and regulatory programs, and apply to all facilities with an air permit or application whether operating or not. Information about how EPA Class Codes and permit issuance correlate to your annual environmental fees can be found here: <http://dnr.wi.gov/topic/AirPermits/>.

A copy of this permit should be available at the source for inspection by any authorized representative of the Department. Questions about this permit should be directed to the West Central Region Headquarters.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this construction permit decision, you should know that Wisconsin statutes 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 file a petition for a contested case hearing on the Secretary of the

Department of Natural Resources. Filing of any such petition must be accomplished in the manner prescribed by Wis. Admin. Code s. NR 2.03 for service of contested case hearing requests upon the Secretary¹ and 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. Pursuant to s. 285.81(1m), Wis. Stats., if a permit holder or applicant seeks a hearing challenging part of a permit, the remainder of the permit shall become effective. If a permit holder or applicant challenges an emission limitation in a construction permit, the emission limitation becomes effective despite a challenge, unless the permit holder or applicant obtains a stay of the emission limitation.

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 in the manner prescribed by those statutes. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

/s/ Ronald Binzley

Ronald Binzley
Air Management Engineer

Enclosure

¹ Wis. Admin. Code s. NR 2.03 reads:

Wis. Admin. Code § Service on the department.

All petitions for hearings, petitions for rules, petitions for declaratory rulings, petitions for review of contested case decisions under s. NR 2.20, answers and complaints required by any statute or rule shall be served on the department by personal delivery to the office of the secretary, by mailing to the secretary by certified mail, at the following address: PO Box 7921, Madison, Wisconsin 53707-7921, or by facsimile transmission to the secretary at (608) 266-6983. If the petition is served by facsimile transmission, a copy of the petition shall be mailed to the secretary by regular mail within one week of service. Service by mailing shall be deemed to have been made on the date the petition is received by the department. Service by facsimile received after 4:30 PM shall be deemed to have been made on the following day.

**BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AIR MANAGEMENT PROGRAM
FINDINGS OF FACTS
CONCLUSIONS OF LAW
AND DECISION**

Findings of Fact

The Department of Natural Resources (DNR) finds that:

- 1) Superior Refining Company LLC, 2407 Stinson Ave, Superior, Douglas County, Wisconsin, has applied for an air pollution control permit. The authorized representative of the facility is Kollin Schade, Refinery Manager.
- 2) Superior Refining Company LLC submitted an air pollution control permit application and plans and specifications on March 29, 2019 and additional information describing the air pollution source on May 10, June 10, June 14, June 18, June 20, July 3, July 4, July 12, July 17, July 19, July 23, July 24, July 27, July 29, July 31, August 5, August 6, August 7, 2019 and was deemed complete on August 7, 2019.
- 3) DNR has reviewed Superior Refining Company LLC's air permit application, plans, specifications and other information available to DNR.
- 4) DNR has prepared an analysis and a Preliminary Determination on the approvability of the permit application.
- 5) This permit is for the construction/modification of an air pollution source.
- 6) DNR has complied with the procedures set forth in ss. 285.61, Wis. Stats.
- 7) The proposed air pollution source meets all of the applicable criteria in s. 285.63, Wis. Stats.
- 8) DNR has complied with the requirements of s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.

Conclusions of Law

DNR concludes that:

- 1) DNR has authority under s. 285.11(1), Wis. Stats., to promulgate rules contained in chs. NR 400 to 499, Wis. Adm. Code, including but not limited to rules containing emission limits, compliance schedules and compliance determination methods.
- 2) DNR has the authority under ss. 285.11(1), (5) and (6), 285.27 (1) and (2) and 285.65, Wis. Stats., and chs. NR 400 to 499, Wis. Adm. Code, to establish emission limits for sources of air pollution.
- 3) DNR has the authority to issue air pollution control permits and to include conditions in such permits under ss. 285.60, 285.61, 285.62, 285.63, 285.64 and 285.65, Wis. Stats., and NR 407.07, Wis. Adm. Code.
- 4) The emission limits and other conditions included in this permit are authorized by ss. 285.65, Wis. Stats., and chs. NR 400 to 499, Wis. Adm. Code.
- 5) DNR is required to comply with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, in conjunction with issuing an air pollution control permit.

Permit Decision

Superior Refining Company LLC is authorized to construct the Rebuild Project and operate a petroleum refinery as described in plans and specifications dated March 29, May 10, June 10, June 14, June 18, June 20, July 3, July 4, July 12, July 17, July 19, July 23, July 24, July 27, July 29, July 31, August 5, August 6 and August 7, 2019 in conformity with the emission limits, monitoring, recordkeeping and reporting requirements and specific and general conditions set forth in this permit.