

**BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

In the Matter of Applicable Best)
Available Retrofit Technology)
Requirements for Georgia-Pacific)
Consumer Products LP Located at)
1919 South Broadway, Green Bay,)
Wisconsin 54304)

FID # 405032870

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ADMINISTRATIVE CONSENT ORDER**

FINDINGS OF FACT

The Wisconsin Department of Natural Resources (“Department” or “WDNR”) finds that:

Regional Haze Rule Background

1. On July 6, 2005, the U.S. Environmental Protection Agency (EPA) published regulations to address visibility impairment in our nation’s largest national parks and wilderness (“Class I”) areas [70 FR 39103]. Collectively, these regulations are commonly known as the “Regional Haze Rule,” and are codified at 40 CFR §§ 51.300 – 51.309.
2. Wisconsin has promulgated regulations relating to Protection of Visibility by Application of Best Available Retrofit Technology (“BART”) which are codified in ch. NR 433, Wis. Adm. Code.
3. Wisconsin does not have any Class I Federal areas as listed in the Regional Haze Rule. However, Wisconsin contributes to visibility impairment in four Class I Federal areas in Michigan and Minnesota: Isle Royale National Park, Seney Wilderness Area, Boundary Water Canoe Area, and Voyageurs National Park.
4. Wisconsin has been required under 40 CFR § 51.308(e) to submit a state implementation plan (SIP) addressing BART requirements for regional haze visibility impairment. This SIP must contain emission limits representing BART and schedules for compliance with BART for each BART-eligible source that may reasonably be anticipated to cause or contribute to any impairment of visibility in a mandatory Class I Federal area.
5. The Wisconsin Department of Natural Resources submitted a Regional Haze SIP to U.S. EPA on July 1, 2011.

Facility Specific Information

6. Georgia-Pacific Consumer Products LP, the “permittee,” operates a manufacturing facility located at 1919 South Broadway, Green Bay, Wisconsin 54304, (hereinafter, “the facility”) which is a “stationary source” as defined in s. 285.01(41), Wis. Stats.

7. Georgia-Pacific Consumer Products LP currently operates the facility under a Part 70 source operation permit number 40532870-P10, issued on July 26, 2011.
8. The Georgia-Pacific Consumer Products LP facility qualifies as a BART-eligible source under s. NR 433.02(1), Wis. Adm. Code and Appendix Y in 40 CFR Part 51 because:
 - a) One or more emission units at the facility fit within one of the twenty-six (26) categories listed under s. NR 433.02(1), Wis. Adm. Code and Appendix Y in 40 CFR Part 51;
 - b) The emission units were in existence on August 7, 1977 and began operation at some point on or after August 7, 1962;
 - c) The sum of the potential emission from all emission units identified in the previous two bullets is greater than 250 tons per year of the visibility-impairing pollutants: SO₂, NO_x, and PM.
9. The Georgia-Pacific Consumer Products LP facility qualifies as a BART-subject source under s. NR 433.03(3), Wis. Adm. Code and Appendix Y in 40 CFR Part 51, because it contributes to visibility impairment in a Class I Federal area.

CONCLUSIONS OF LAW

The Department concludes that:

The Department of Natural Resources has the authority under sec. 285.29, Stats., to specify the best available retrofit technology (BART) for any existing major sources located in the area where visibility is identified as an important value under section 169A of the federal Clean Air Act. All BART analyses shall consider the terms under s. 285.29(2), Wis. Stats., and shall be evaluated and determined according to Department's administrative rules in ch. NR 433, Wis. Adm. Code.

1. In Chapter NR 433, Wis. Adm. Code, which was promulgated under the authority of chapter 285, Stats., the Department of Natural Resources has adopted regulations relating to the Protection of Visibility by Application of Best Available Retrofit Technology, the "BART" rules.
2. Section NR 433.05, Wis. Adm. Code, of the BART rules requires the department to make a preliminary and final determination of the BART requirements for each emission unit at Georgia Pacific subject to BART.
3. The Department has the authority under s 285.13(2) Stats. to issue administrative orders to effectuate the purposes of ch. 285, Stats., .
4. This Order is reasonable and necessary to accomplish the purposes set forth in chapters 285, Stats., and chapter NR 433, Wis. Adm. Code, and is enforceable under ss. 299.95, and 299.97, Stats.

ADMINISTRATIVE CONSENT ORDER

The parties to this Order hereby agree to the following provisions:

1. The permittee, Georgia-Pacific, will install and operate any necessary control equipment and/or undertake any necessary work practices to meet the following BART requirements at the facility as required under s. NR 433.05, Wis. Adm. Code.

Boilers B26 and B27 Best Available Retrofit Technology (BART) for Particulate Matter

2. Boilers B26 and B27 at the facility shall meet all of the following emission limitations and compliance methods related to emissions of particulate matter.
 - (a) Effective January 1, 2011, the permittee shall meet BART requirements for particulate matter emissions.
 - (b) The permittee shall comply with the particulate matter emission requirements of BART by meeting the following conditions:
 - i. Emissions may not exceed 0.30 pounds of particulate matter from stack S10 per million Btu of heat input;
 - ii. The operating permit conditions under limitations and requirements for firing of fuels and operating of baghouse control;
 - iii. The operating permit conditions under limitations and requirements for visible emissions;
 - iv. The permittee shall continue to implement the facility malfunction prevention and abatement plan as specified under s. NR 439.11, Wis. Adm. Code.
 - (c) The permittee shall meet the corresponding compliance demonstration, recordkeeping, reporting, and monitoring requirements for the emission limitations in 2.(b) above as specified in the permittee's operating permit.
 - (d) The permittee shall meet the corresponding procedures and methods required for compliance demonstration and for performance testing required by condition 2.(c) above as specified in the permittee's operating permit.

Boilers B26 and B27 Best Available Retrofit Technology (BART) for Sulfur Dioxide

3. Boilers B26 and B27 at the facility shall meet all of the following emission limitations and compliance methods related to emissions of sulfur dioxide.
 - (a) Effective January 1, 2016 the permittee shall meet BART requirements for sulfur dioxide emissions.
 - (b) The permittee shall comply with the sulfur dioxide emission requirements of BART by meeting one of the following limitations:
 - i. total emissions of sulfur dioxide not to exceed 2,340 tons in any 12-month period and 268 tons in any 30-day period on stack S10; or
 - ii. In lieu of complying with 3(b)i, the permittee can comply with an alternate requirement for sulfur dioxide emissions according to the following criteria:
 - (1) the permittee notifies the Department and U.S. EPA Administrator by July 15, 2013 of complying with one of the alternative sulfur dioxide mass cap requirements for the designated periods as specified in 3(b)ii.(3).
 - (2) nitrogen oxide emissions from stack S10 will not to exceed 1,522 tons in any 12-month period and 172 tons in any 30-day period;
 - (3) the emission limitation on sulfur dioxides shall be met when the permittee elects one of the set combinations of sulfur dioxide and nitrogen oxides

emission mass caps for stack S10 from the following table. Note: These alternative compliance mass caps are determined by allowing trading of 2.0 tons sulfur dioxide reduced to one ton nitrogen oxides increased beyond the primary BART mass cap level:

	30-day rolling		12-month rolling	
	SO ₂	NOx	SO ₂	NOx
BART	268	110	2,340	977
Mass Cap 1	246	121	2,150	1,072
Mass Cap 2	195	147	1,700	1,297
Mass Cap 3	143	172	1,250	1,522

- (c) The permittee must demonstrate compliance with the sulfur dioxide emission limitations in condition 3.(b) above as follows:
- i. The permittee shall determine sulfur dioxide emissions using emission data measured according to conditions in the permittee's operating permit.
 - ii. The permittee shall determine sulfur dioxide emissions for condition 3.(b)(i) as follows:
 - (1) In calculating the total emissions, in tons per 12- month period and tons per 30-day period, the permittee shall not exclude emissions for any period of time for which flue gas is exiting Stack S10.
 - (2) The total emissions, in tons per 12-month period and tons per 30-day period, shall be calculated as the sum of the daily emissions, in tons, obtained from the continuous emissions monitoring system over the days that any of the boilers B25, B26, B27 or B28 operated during the averaging period. The 12-month period shall consist of the month of monitoring and the previous 11 consecutive calendar months. A new 12-month total emissions shall be calculated and recorded at the end of each month. The 30-day period shall consist of the day of monitoring and the previous 29 consecutive calendar days. A new 30-day total emissions shall be calculated and recorded at the end of each day.
 - iii. The permittee shall determine sulfur dioxide emissions for condition 3.(b)(ii) as follows:
 - (1) In calculating the total emissions, in tons per 12- month period and tons per 30-day period, the permittee shall not exclude emissions for any period of time for which flue gas is exiting Stack S10.
 - (2) The total emissions, in tons per 12-month period and tons per 30-day period, shall be calculated as the sum of the daily emissions, in tons, obtained from the continuous emissions monitoring system over the days that any of the boilers B25, B26, B27 or B28 operated during the averaging period. The 12-month period shall consist of the month of monitoring and the previous 11 consecutive calendar months. A new 12-month total emissions shall be calculated and recorded at the end of each month. The 30-day period shall consist of the day of monitoring and the previous 29 consecutive calendar days. A new 30-day total emissions shall be calculated and recorded at the end of each day.
- (d) The procedures and methods required for compliance demonstration and for performance testing required by conditions 3.(c)(ii), 3.(c)(iii) and 3.(c)(iv) above shall meet the following criteria:

- i. The procedures and methods shall be according to the applicable requirements of ch. NR 439. [ss. NR 433.06(1), NR 439 and NR 440, Wis. Adm. Code]
 - ii. The permittee shall perform the following calculations:
 - (1) Tons of emissions shall be calculated daily for use in calculating emissions over each 30-day period;
 - (2) Monthly emissions shall be calculated by adding all daily emissions in that month. These monthly emissions shall be used to calculate emissions over each 12-month period. [ss. NR 433.05 and NR 433.06, Wis. Adm. Code]
- (e) Note: The sulfur dioxide BART emission limitation on boilers B26 and B27 is based on eliminating the firing of coke fuels, combined with continuous operation of a circulating fluidized bed sulfur dioxide scrubber system achieving a minimum 93% sulfur dioxide removal. This technology is noted to establish a basis for determining alternative emission requirements if constraints are encountered in implementing these specific technologies which warrant a revision of the individual boiler determined control level as allowed for under s. NR 433.05(5), Wis. Adm. Code.

Boilers B26 and B27 Best Available Retrofit Technology (BART) for Nitrogen Oxides

4. Boilers B26 and B27 shall meet all of the following emission limitations and compliance methods related to emission of nitrogen oxides.
- (a) Effective January 1, 2016 the permittee shall meet BART requirements for sulfur dioxide emissions.
 - (b) The permittee shall comply with the nitrogen oxides emission requirements of BART by meeting one of the following limitations:
 - i. except as provided in 4(b)ii, total nitrogen oxides emissions of 977 tons in any 12-month period and 110 tons in any 30-day period on stack S10; or
 - ii. In lieu of complying with 4(b)i, the permittee can comply with an alternate requirement for nitrogen oxide emissions according to the following criteria:
 - (1) the permittee notify the Department and U.S. EPA Administrator by July 15, 2013 of complying with one of the alternative nitrogen oxide emissions mass cap requirements for the designated periods as specified in 4(b)ii.(3).
 - (2) nitrogen oxide emissions from stack S10 will not to exceed 1,522 tons in any 12-month period and 172 tons in any 30-day period;
 - (3) the emission limitation on nitrogen oxides shall be met when the permittee elects one of the set combinations of sulfur dioxide and nitrogen oxides emission mass caps for stack S10 from the following table. Note: These alternative compliance mass caps are determined by allowing trading of 2.0 tons sulfur dioxide reduced to one ton nitrogen oxides increased beyond the primary BART mass cap level:

	30-day rolling		12-month rolling	
	SO ₂	NO _x	SO ₂	NO _x
BART	268	110	2,340	977
Mass Cap 1	246	121	2,150	1,072
Mass Cap 2	195	147	1,700	1,297
Mass Cap 3	143	172	1,250	1,522

- (c) The permittee must demonstrate compliance with the nitrogen oxides emission limitations in condition 4.(b) above as follows:
- i. The permittee shall determine nitrogen oxides emissions using emission data measured according to conditions in the permittee's operating permit.
 - ii. The permittee shall determine nitrogen oxides emissions for condition 4.(b)(i) as follows:
 - (1) In calculating the total emissions, in tons per 12- month period and tons per 30-day period, the permittee shall not exclude emissions for any period of time for which flue gas is exiting Stack S10.
 - (2) The total emissions, in tons per 12-month period and tons per 30-day period, shall be calculated as the sum of the daily emissions, in tons, obtained from the continuous emissions monitoring system over the days that any of the boilers B25, B26, B27 or B28 operated during the averaging period. The 12-month period shall consist of the month of monitoring and the previous 11 consecutive calendar months. A new 12-month total emissions shall be calculated and recorded at the end of each month. The 30-day period shall consist of the day of monitoring and the previous 29 consecutive calendar days. A new 30-day total emissions shall be calculated and recorded at the end of each day.
 - iii. The permittee shall determine nitrogen oxides emissions for condition 4.(b)(ii) as follows:
 - (1) In calculating the total emissions, in tons per 12- month period and tons per 30-day period, the permittee shall not exclude emissions for any period of time for which flue gas is exiting Stack S10.
 - (2) The total emissions, in tons per 12-month period and tons per 30-day period, shall be calculated as the sum of the daily emissions, in tons, obtained from the continuous emissions monitoring system over the days that any of the boilers B25, B26, B27 or B28 operated during the averaging period. The 12-month period shall consist of the month of monitoring and the previous 11 consecutive calendar months. A new 12-month total emissions shall be calculated and recorded at the end of each month. The 30-day period shall consist of the day of monitoring and the previous 29 consecutive calendar days. A new 30-day total emissions shall be calculated and recorded at the end of each day.
 - iv. In demonstrating compliance with nitrogen oxides emission limitations of condition 4.(b) above, the permittee may propose an emissions trading program if the program achieves an improvement in visibility in the mandatory class I federal areas greater than would be achieved through the installation and operation of BART on each boiler subject to BART. The permittee proposing to use an emissions trading program shall submit an emissions trading plan to the department. The plan shall be subject to department and administrator approval and meet the following criteria:
 - (1) The criteria under s. NR 433.05, Wis. Adm. Code;
 - (2) The permittee shall submit one of the set combinations of sulfur dioxide and nitrogen oxides emission mass caps for stack S10 specified in condition 4.(b)(ii)(3) below to the department and the administrator by July 15, 2013;
 - (3) If the permittee elects to choose a mass cap not specified under 4.(b)(ii)(3) or choose any alternative mass cap later than July 15, 2013, then the election is subject to department review with public comment and pursuant U.S. EPA approval of the SIP.

- (d) The procedures and methods required for compliance demonstration and for performance testing required by conditions 4.(c)(ii), 4.(c)(iii) and 4.(c)(iv) above shall meet the following criteria:
- i. The procedures and methods shall be according to the applicable requirements of ch. NR 439. [ss. NR 433.06(1), NR 439 and NR 440, Wis. Adm. Code]
 - ii. The permittee shall perform the following calculations:
 - (1) Tons of emissions shall be calculated daily for use in calculating emissions over each 30-day period;
 - (2) Monthly emissions shall be calculated by adding all daily emissions in that month. These monthly emissions shall be used to calculate emissions over each 12-month period. [ss. NR 433.05 and NR 433.06, Wis. Adm. Code]
- (e) Note: The nitrogen oxides BART emission limitation on boiler B26 is based on continuous operation of over-fire air and flue gas recirculation control designed specifically for NO_x control and continuous operation of selective non-catalytic reduction. This technology is noted to establish a basis for determining alternative emission requirements if constraints in implementing these specific technologies are encountered as allowed for under s. NR 433.05(5) warrant a revision of the individual boiler determined control level. The nitrogen oxides BART emission limitation on boiler B27 is based on continuous operation of over-fire air designed specifically for NO_x control and in combination with regenerative selective catalytic reduction equipment to achieve additional 70% control of nitrogen oxides beyond the over-fire air: This technology is noted to establish a basis for determining alternative emission requirements if constraints in implementing these specific technologies are encountered as allowed for under s. NR 433.05(5) warrant a revision of the individual boiler determined control level.

WAIVER AND STIPULATION

Georgia-Pacific Consumer Products LP consents to, and agrees not to contest, the Department of Natural Resources' jurisdiction to issue this Consent Order and to enforce its terms. To that end Georgia-Pacific Consumer Products LP stipulates to the issuance of this Consent Order and hereby waives further notice or hearing before the Department of Natural Resources regarding the forgoing Findings of Fact, Conclusions of Law and Administrative Consent Order and waives its rights, if any, to challenge this Administrative Consent Order in circuit court under ss. 227.52 and 227.53, Stats., or any other provision of law. Georgia-Pacific Consumer Products LP further stipulates and agrees that this Consent Order is effective and enforceable after being signed by both parties and that it may be enforced in accordance with ss. 299.95, and 299.97, Stats. The undersigned further certifies that he or she is authorized to execute such Consent Order, Waiver and Stipulation on behalf of Georgia-Pacific Consumer Products LP.

Nothing in this Consent Order, however, shall be construed as an admission on the part of Georgia-Pacific Consumer Products LP for any purpose other than for an action taken for failure to comply with the terms of this Order. This stipulation and waiver does not affect the right of Georgia-Pacific Consumer Products LP to assert any equitable or legal defense or to challenge the Department of Natural Resources' interpretation or application of this Consent Order in any subsequent proceedings.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By _____
William Baumann
Acting Air Management Bureau Director

_____ Date

Georgia-Pacific Consumer Products LP
Title:

_____ Date

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