



ENCLOSURE 1

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Dennis H. Treacy
Director

John Paul Woodley, Jr.
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Piedmont Regional Director

CONSENT ORDER WITH

Georgia-Pacific Corporation
Jarratt Softboard Plant
P.O. Box 367
Jarratt, Virginia 23867

Registration No. 50253

SECTION A: Purpose

To establish an opacity limit wavier and a Source Specific State Implementation Plan for the softboard drier at the Georgia-Pacific Jarratt Softboard Plant. The Jarratt Softboard Plant can not consistently demonstrate compliance with the opacity limit specified in 9 VAC 5-40-320 of the SAPCB Regulations, but has demonstrated compliance with the standard for particulate matter contained in 9 VAC 5-40-260.

SECTION B: References

Unless the context indicates otherwise, the following words and terms have the meanings assigned to them below:

"Board" or "SAPCB" means the State Air Pollution Control Board, a collegiate body of the Commonwealth of Virginia described in § 10.1-1301 of the Code. Particular powers and duties of the Board are referred to in Section C of this document.

"CAA" means 42 USC 7401 et seq., and 91 Stat 685.

"Code" means the Code of Virginia (1950), as amended.

"DEQ" or "Department" means the Department of Environmental Quality, an agency of the Commonwealth described in § 10.1-1183 of the Code.

"Director" means the director of the Department of Environmental Quality. Particular powers and duties of the Director are described in Section C of this document.

"EPA" means the U.S. Environmental Protection Agency, Region III, located at 841 Chestnut Building, Philadelphia, Pennsylvania 19107-4431.

"Federal Operating Permit" means a permit issued under Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80.

"GP" means the Georgia-Pacific Corporation, Jarratt Softboard Plant, located 116 South Allen Road, Jarratt, Virginia. Georgia-Pacific is a Georgia Corporation licensed to do business in the Commonwealth of Virginia.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background, expressed as a percentage.

"Order" means this Consent Order.

"SAPCB Regulations" means 9 VAC 5 Chapters 10 through 80 and 9 VAC 5 Chapter 170.

"SIP" or "State Implementation Plan" means the portion or portions of the plan, or the most recent revision thereof, which has been approved under § 110 of the federal Clean Air Act, or promulgated under § 110(c) of the federal Clean Air Act, or promulgated or approved pursuant to regulations promulgated under § 301(d) of the federal Clean Air Act and which implements the relevant requirement of the federal Clean Air Act.

"VAC" refers to the Virginia Administrative Code, which incorporates the SAPCB Regulations.

SECTION C: Authority

1. Chapter 13 of Title 10.1 of the Code creates the Board and vests in it the authority to supervise and control various aspects of air pollution in the Commonwealth. Among the Board's powers is the authority to promulgate regulations "abating, controlling and prohibiting" air pollution, found in § 10.1-1308 of the Code.
2. Pursuant to its authority, the Board promulgated the SAPCB Regulations, which first took effect March 17, 1972, and have been amended. The SAPCB Regulations have been incorporated into Title 9 of the Virginia Administrative Code.
3. Pursuant to § 10.1-1307 D of the Code, the Board has the authority to issue orders to diminish or abate the causes of air pollution and to enforce its regulations. Orders of the Board are enforceable pursuant to §§ 10.1-1316 and 10.1-1320 of the Code.
4. The Director is the executive officer of the Board. Under §§ 10.1-1307.2 A and 10.1-1185 of the Code, the Director is to perform those duties required of him by the Board. Additionally under § 10.1-1307.3 of the Code, the Director has such powers to supervise, administer and enforce the provisions of Chapter 13 of Title 10.1 of the Code, as well as the regulations and orders of the Board. The powers and duties conferred and imposed upon the Director under §§ 10.1-1307.2 and 10.1-1307.3 of the Code are continued under § 10.1-1185 of the Code.
5. Under § 10.1-1307.2 B of the Code, the Director may be vested with the authority of the Board when it is not in session, subject to such regulations or delegation as may be prescribed by the Board. 9 VAC 5-170-180 of the SAPCB Regulations contains the Delegation of Authority from the Board to the Director. In subdivision B of 9 VAC 5-170-180 the Director is given the authority, with some exceptions, to act for the Board when it is not in session and to issue consent orders and emergency special orders.
6. Pursuant to § 10.1-1316 C of the Code, the Board has the authority to negotiate civil charges and provide for them in any order issued by the Board.

SECTION D: Findings

1. On March 12, May 20 and May 21, 1997, EPA and DEQ representatives inspected the GP facility process operations for compliance with

the Virginia SIP including Rule 4-1 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions).

2. On June 13, 1997, the EPA issued a Notice of Violation to GP for a violation of the federally enforceable Virginia SIP based on the observation of visible emissions from the Keeler boiler stack and the number two (2) Dryer stack.
3. On July 1, 1997, EPA issued a CAA § 114 Request for Information, Testing and Monitoring to GP.
4. On July 17 and 18, 1997 GP performed a Reference Method 5 and Reference Method 202 stack test on the boiler and dryer stacks.
5. On August 5, 1997 GP submitted a request for a waiver under 9 VAC 5-40-120 from the 20 percent opacity limit.
6. 9 VAC 5-40-120 A states:

A waiver from the opacity emission limitation in 9 VAC 5-40-80 may be granted by the executive director, provided that a technical decision is reached that the plume opacity observations made in accordance with 9 VAC 5-40-20 A 2 and 9 VAC 5-40-110 are not representative of the pollutant loading of the plume.

7. On August 7 and 8, 1997, Charles King, DEQ, Piedmont Regional Office, Air Compliance Manager, performed a technical review of the data submitted by GP in their August 5, 1997, request for a waiver from the 20 percent opacity limit. The findings of this review were that GP is in compliance with the applicable particulate emissions standard (9 VAC 5-40-260) but cannot consistently comply with the applicable visible emissions standard (9 VAC 5-40-320). Therefore, the regulations allow for a waiver of the visible emissions standard when this type of source specific condition occurs.

SECTION E: Agreement and Order

Accordingly, the Board orders and Georgia-Pacific Corporation agrees that:

1. GP shall not exceed 50 percent opacity from the Softboard drier zone stacks one and two except for one six-minute period in any one hour of not more than 60 percent opacity ~~and during periods of start up, shutdown, and malfunction.~~

2. GP shall conduct quarterly Visible Emissions Evaluations of the Softboard drier zone stacks one and two, when valid Reference Method 9 parameters can be obtained. These records shall be maintained on site and made available for inspection or submitted to DEQ upon request.
3. GP shall perform a Reference Method 5 and Reference Method 202 stack test on Softboard drier zone stacks number one and two once every two years beginning from the execution date of this Order. This test data shall be submitted to the DEQ, Piedmont Regional Office within forty five days from the date the tests are conducted.
4. GP shall include the requirements of this Order in their Federal Operating Permit application.
5. The Board may modify, rewrite, or amend this Order with the consent of Georgia-Pacific Corporation, for good cause shown by Georgia-Pacific Corporation, or on its own motion provided approval of the changes is accomplished in accordance with SAPCB regulations, the Administrative Process Act (§ 9-6.14:1 et. seq.) and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).
6. So long as this Order remains in effect, Georgia-Pacific Corporation waives the right to any hearing pursuant to §§ 9-6.14:11 and 9-6.14:12 of the Code and to judicial review of any issue of fact or law contained herein. Nothing herein, however, shall be construed as a waiver of the right to a hearing or to judicial review of any action taken by the Board to enforce this Order.
7. Failure by Georgia-Pacific Corporation to comply with any of the terms of this Order shall constitute a violation of an Order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
8. Georgia-Pacific Corporation declares it has received fair and due process under the Administrative Process Act (Code § 9-6.14:1 et seq.).
9. This Order shall supersede the Order previously executed on August

11. 1997. "Opacity Waiver for Georgia-Pacific Corporation, Jarratt Softboard Plant, Jarratt, Virginia." The previous order is being superseded because it did not meet the requirements of 40 CFR Part 51.

10. This Order shall become effective upon signature by both parties and shall continue in effect indefinitely or until otherwise terminated by the Board.

The foregoing Consent Order has been executed on behalf of the DEPARTMENT OF ENVIRONMENTAL QUALITY of the COMMONWEALTH OF VIRGINIA and on behalf of Georgia-Pacific Corporation, each by its duly authorized representatives, or self, on the dates indicated below.

DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE COMMONWEALTH OF VIRGINIA

9/28/98
(date)

BY: John M. Daniels
for Dennis H. Treacy
Director

GEORGIA-PACIFIC CORPORATION

Sept 18, 98
(date)

BY: John Masaschi
John Masaschi
Vice President.
Industrial Wood Products

Georgia
STATE OF VIRGINIA
CITY/COUNTY OF Gwinnett

The foregoing instrument was acknowledged before me
this 18th day of September, 1998, by

John Masaschi of
(name of officer or agent and title)

_____ a _____
corporation, on behalf of the corporation.

Donna C. Morrell
Notary Public, State of Georgia
My Commission Expires 6-2-2002

Donna C. Morrell
Notary Public



