

**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 mandatory Class I federal areas as listed in the Regional Haze Rule. However, Wisconsin contributes to visibility impairment in four mandatory 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 (the Department) submitted a Regional Haze SIP to EPA on January 18, 2012.

#### **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: sulfur dioxide, nitrogen oxides, and particulate matter.
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 mandatory Class I federal area.

#### **CONCLUSIONS OF LAW**

The Department concludes that:

The Department 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. The BART requirements shall remain in effect in the event that the BART-eligible emission units at the facility (Boilers B26 and B27) are not operating. However, in the event that the permittee chooses to permanently shut down the BART-eligible emission units at the facility, the Department agrees such action would constitute a sufficient change in environmental and cost impacts as to entitle the permittee to request revision of the BART requirements under s. NR 433.05(5), Wis. Adm. Code, or other authorities. The BART requirements below shall remain in effect and enforceable by the Department unless and until the Department has granted approval of the revised BART requirements and the associated Order.

#### **Boilers B26 and B27**

#### **Best Available Retrofit Technology 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) On the date of signature, and thereafter, 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; and
  - 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.
- (e) The Department shall incorporate conditions 2(a), 2(b), 2(c) and 2(d), above, into the permittee's Part 70 source operating permit, as required under s. NR 433.05(4), Wis. Adm. Code, no later than December 31, 2015.

**Boilers B26 and B27**  
**Best Available Retrofit Technology for Nitrogen Oxides**

- 3. Boilers B26 and B27 at the facility shall meet all of the following emission limitations and compliance methods related to emissions of nitrogen oxides.
  - (a) On January 1, 2016, and thereafter, the permittee shall meet BART requirements for nitrogen oxides emissions.
  - (b) The permittee shall comply with the nitrogen oxides emission requirements of BART by meeting one of the following sets of limitations:

- i. Total emissions of nitrogen oxides exiting stack S10 shall not exceed 977 tons in any 12-month period and shall not exceed 110 tons in any 30-day period; or
- ii. If the permittee has duly and timely specified alternative limits set in accordance with 3(b)(ii)(1), the permittee shall, in lieu of complying with the limits in 3(b)(i), comply with the specified alternative BART limits. The alternative BART limits shall be set in the following manner:

(1) By July 15, 2013, the permittee must specify that BART for sulfur dioxide and nitrogen oxides shall be defined to reflect the limits of Alternative 1, the limits of Alternative 2, or the limits of Alternative 3 as listed in 3(b)(ii)(2), and must notify the Department and the EPA Regional Administrator for Region 5 that the permittee will comply with the sulfur dioxide limits and the nitrogen oxides limits of the specified alternative.

(2) If the permittee duly and timely specifies an alternative from the following table, total emissions of nitrogen oxides from stack S10 shall not exceed the nitrogen oxides limits of the specified alternative. Note: These alternative compliance mass caps are determined by allowing 2.0 fewer tons sulfur dioxide for each one ton more nitrogen oxides allowed beyond the primary BART mass cap level. The permittee may request substitute limits, as allowed for under s. NR 433.06(2), Wis. Adm. Code, but the baseline limits or the limits of the duly specified alternative from the following table shall remain in effect and enforceable unless and until the Department and EPA have granted approval of the substitute limit.

	<b>30-day rolling</b>		<b>12-month rolling</b>	
	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>
<b>Baseline</b>	268	110	2,340	977
<b>Alternative 1</b>	246	121	2,150	1,072
<b>Alternative 2</b>	195	147	1,700	1,297
<b>Alternative 3</b>	143	172	1,250	1,522

(3) In no event shall the applicable nitrogen oxides emission limits at stack S10 exceed 1,522 tons in any 12-month period or 172 tons in any 30-day period.

- (c) The permittee must demonstrate compliance with the nitrogen oxides emission limitations in condition 3(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 conditions 3(b)(i) and 3(b)(ii), above, 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 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 first 30-day period where actual emissions of nitrogen oxides are to be compared to the limit shall be from January 1, 2016 to January 30, 2016.
  - iv. The first 12-month period where actual emissions of nitrogen oxides are to be compared to the limit shall be from January 1, 2016 to December 31, 2016.
- (d) The procedures and methods required for compliance demonstration and for performance testing required by condition 3(c)(ii), 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) The Department shall incorporate conditions 3(a), 3(b), 3(c) and 3(d), above, into the permittee's Part 70 source operating permit, as required under s. NR 433.05(4), Wis. Adm. Code, no later than December 31, 2015. Furthermore, any modifications to the BART requirements in condition 3(b), above, after January 1, 2014 shall be incorporated by the Department into the permittee's next subsequent Part 70 source operating permit renewal.
- (f) Note: The nitrogen oxides BART emission limitation on boiler B26, used to establish the primary nitrogen oxides BART limit on stack S10 in condition 3(b)(i), above, is based on continuous operation of over-fire air and flue gas recirculation control designed specifically for nitrogen oxides control and continuous operation of selective non-catalytic reduction. This technology establishes a basis for determining substitute emission requirements, if constraints in implementing these specific technologies are encountered which warrant a revision of the individual boiler determined control level, as allowed for under s. NR 433.05(5). The nitrogen oxides BART emission limitation on boiler B27, used to establish the primary nitrogen oxides BART limit on stack S10 in condition 3(b)(i), above, is based on continuous operation of over-fire air designed specifically for nitrogen oxides control and in combination with one or more of the following equipment configurations to achieve additional 70% control of nitrogen oxides beyond the over-fire air: selective catalytic reduction, selective non-catalytic reduction, and rich reagent injection. This technology establishes a basis for determining substitute emission requirements if constraints in implementing these specific technologies are encountered (as provided for under s. NR 433.05(5)) that warrant a revision of the individual boiler determined control level. However, if the permittee requests substitute emission requirements not listed under 3(b)(ii), as allowed for under s. NR 433.06(2), Wis. Adm. Code, the baseline limits or the limits of the duly specified alternative shall remain in effect and enforceable unless and until the Department and EPA have granted approval of the substitute limits.

**Boilers B26 and B27**  
**Best Available Retrofit Technology for Sulfur Dioxide**

4. Boilers B26 and B27 shall meet all of the following emission limitations and compliance methods related to emissions of sulfur dioxide.

- (a) On January 1, 2016, and thereafter, 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 sets of limitations:
  - i. Total sulfur dioxide emissions from stack S10 shall not exceed 2,340 tons in any 12-month period and shall not exceed 268 tons in any 30-day period; or
  - ii. If the permittee has duly and timely specified alternative limits set in accordance with 3(b)(ii), above, the permittee shall, in lieu of complying with the limits in 4(b)(i), comply with the following limits: Total emissions of sulfur dioxide from stack S10 shall not exceed the sulfur dioxide limits of the specified alternative.
- (c) The permittee must demonstrate compliance with the sulfur dioxide emission limitations in condition 4(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 conditions 4(b)(i) and 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; and
    - (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 first 30-day period where actual emissions of sulfur dioxide are to be compared to the limit shall be from January 1, 2016 to January 30, 2016.



- iv. The first 12-month period where actual emissions of sulfur dioxide are to be compared to the limit shall be from January 1, 2016 to December 31, 2016.
- (d) The procedures and methods required for compliance demonstration and for performance testing required by condition 4(c)(ii), 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]; and
  - 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) The Department shall incorporate conditions 4(a), 4(b), 4(c) and 4(d), above, into the permittee's Part 70 source operating permit, as required under s. NR 433.05(4), Wis. Adm. Code, no later than December 31, 2015. Furthermore, any modifications to the BART requirements in condition 4(b), above, after January 1, 2014 shall be incorporated by the Department into the permittee's next subsequent Part 70 source operating permit renewal.
- (f) Note: The sulfur dioxide BART emission limitation on boilers B26 and B27, used to establish the primary sulfur dioxide BART limit on stack S10 in condition 4(b)(i), above, 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 establishes a basis for determining substitute emission requirements, if constraints are encountered in implementing these specific technologies that warrant a revision of the individual boiler's control level, as allowed for under s. NR 433.05(5), Wis. Adm. Code. However, if the permittee requests substitute emission requirements not listed under 3(b)(ii), as allowed for under s. NR 433.06(2), Wis. Adm. Code, the baseline limits or the limits of the duly specified alternative shall remain in effect and enforceable unless and until the Department and EPA have granted approval of the substitute limits.

**WAIVER AND STIPULATION**

Georgia-Pacific Consumer Products LP consents to, and agrees not to contest, the Department's 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 regarding the foregoing 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. Georgia-Pacific Consumer Products LP understands that the Department intends to submit this Consent Order to EPA for purposes of satisfying Wisconsin SIP requirements, and Georgia-Pacific Consumer Products LP stipulates and agrees that this Consent Order is federally enforceable by EPA upon EPA approval and incorporation of this Consent Order into the Wisconsin SIP. 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.

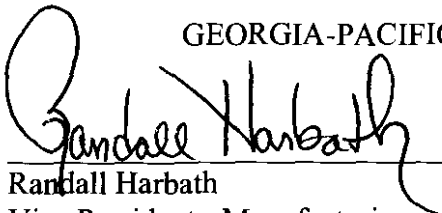
Nothing in this Consent Order, however, shall be construed as an admission on the part of Georgia-Pacific Consumer Products LP for any purpose other than for an action taken for failure to comply with the terms of this Order. This stipulation and waiver does not affect the right of Georgia-Pacific Consumer 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:  \_\_\_\_\_ Date: 6/8/12  
Bart Spangler  
Air Management Bureau Director

GEORGIA-PACIFIC CONSUMER PRODUCTS LP

 \_\_\_\_\_ Date: 6-5-12  
Randall Harbath  
Vice President - Manufacturing