

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing Limits for Sulfur Content	)	Consent Order
in Fuel Oil Combusted in P10, P12, and P13, at	)	AM-01-600
Weyerhaeuser Company, Rothschild, Wisconsin	)	

FINDINGS OF FACT  
CONCLUSIONS OF LAW AND CONSENT ORDER

FINDINGS OF FACT

The Department of Natural Resources, hereinafter DNR, finds that:

1. Weyerhaeuser Company operates a Pulp and Paper Mill at 200 Grand Avenue, Rothschild, Wisconsin. This facility is identified on the air emissions inventory as FID # 737010450.
2. As part of the operations, Weyerhaeuser Company operates an external combustion boiler rated at 200 MMBTU/hr (P10) capable of firing No. 2 fuel oil and natural gas.
3. As part of the operations, Weyerhaeuser Company operates an external combustion boiler rated at 200 MMBTU/hr (P12) capable of firing No. 2 fuel oil and natural gas.
4. As part of the operations, Weyerhaeuser Company operates an external combustion boiler with a maximum heat input of 150 MMBTU/hr (P13) capable of firing No. 2 fuel oil and natural gas.
5. Section NR 417.07, Wis. Adm. Code establishes statewide sulfur dioxide emission limitations in order to ensure that all areas in Wisconsin will attain the National Ambient Air Quality Standards for sulfur dioxide.
6. Section NR 417.07(4), Wis. Adm. Code states that the DNR may require a source to meet a more restrictive emission limitation than the categorical emission limitations which would otherwise be applicable under ss. NR 417.07(2) and (3), Wis. Adm. Code, if the DNR determines that a more restrictive emission limitation is required to ensure that the source will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.
7. On October 9, 1985, USEPA designated portions of the Villages of Rothschild and Weston and the Township of Rib Mountain in Marathon County as sulfur dioxide nonattainment areas.
8. The DNR has determined that more restrictive emission limitations along with operating, compliance, and reporting requirements are necessary to ensure that Weyerhaeuser Company will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide and in order to redesignate portions of the Villages of Rothschild and Weston and the Township of Rib Mountain in Marathon County as sulfur dioxide attainment areas on the federal level.

CONCLUSIONS OF LAW

The DNR concludes that:

1. The DNR has the authority under s. 285.11, Wis. Stats. to promulgate rules contained in chs. NR 400 to 499, Wis. Adm. Code, including but not limited to rules containing emissions limitations, compliance schedules and compliance demonstration methods.
2. The operation of direct sources of sulfur dioxide by Weyerhaeuser Company is subject to the limitations contained in ss. NR 417.03 and NR 417.07, Wis. Adm. Code.

3. The DNR has the authority under s. NR 417.07(4), Wis. Adm. Code, to establish a more restrictive sulfur dioxide emission limitation.
4. The DNR has the authority under s. NR 439.04, Wis. Adm. Code, to require an owner or operator of a source to keep records related to its air emissions.
5. The DNR has the authority under s. NR 439.08, Wis. Adm. Code to require an owner or operator of a source to conduct periodic fuel sampling and analysis.
6. The DNR has the authority under s. NR 439.08, Wis. Adm. Code to require an owner or operator of a source to submit quarterly reports to the DNR pertaining to fuel quality.
7. The DNR has the authority under s. 285.13(2), Wis. Stats., to issue this consent order.
8. The issuance of this order is reasonable and necessary to accomplish the purposes of ss. 285.01 to 285.87, Wis. Stats., and s. NR 417.07(4), Wis. Adm. Code. This order is enforceable under ss. 285.83 and 285.87, Wis. Stats., and ch. NR 494, Wis. Adm. Code.

CONSENT ORDER

The DNR orders and Weyerhaeuser Company agrees to meet the following requirements:

A. Process Limitations

1. The sulfur content of fuel oil fired in P10, P12, and P13 may not exceed 0.05% sulfur by weight.

B. Sampling, Analysis, and Recordkeeping Requirements

1. The facility shall retain copies of the supplier's analyses at the facility for each shipment of fuel oil received for burning at the facility in P10, P12, and P13. The supplier's analyses shall include sulfur content. The following applicable sampling methods and procedures shall be used:

- (a) liquid fossil fuel sampling shall be performed according to ASTM D4057-88 or ASTM D4177-82;
- (b) sulfur content of a liquid fossil fuel sample shall be determined according to ASTM D129-91, ASTM D1552-90, or ASTM D4294-90

2. The facility shall submit quarterly reports of the amount of fuel oil burned and the sulfur content of the fuel oil burned in P10, P12, and P13 to the department within 30 days following the end of each calendar quarter.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

*for Jon Heinrich*  
\_\_\_\_\_  
Lloyd Eagan, Bureau Director  
Bureau of Air Management

*August 16, 2001*  
\_\_\_\_\_  
Date

For Weyerhaeuser Company

*Scott Mosher*  
\_\_\_\_\_  
Scott Mosher, Mill Manager

*May 29, 2001*  
\_\_\_\_\_  
Date

2. The facility shall submit quarterly reports of the amount of fuel oil delivered for burning in B11, B12, and B13 and the sulfur content of that fuel oil to the department within 30 days following the end of each calendar quarter.
3. The facility shall calibrate, maintain, and operate a continuous emission monitor (CEM) for the measurement of sulfur dioxide from S01.
4. The facility shall calibrate, maintain, and operate a continuous emission monitor (CEM) for the measurement of sulfur dioxide from S02.
5. The facility shall calibrate, maintain, and operate the sulfur dioxide CEM on S01 and S02 in accordance with the performance specifications in 40 CFR part 75, Appendices A through I, incorporated by reference in ch. NR 484.
6. The facility shall submit quarterly excess sulfur dioxide emission reports for S01 and S02 to the department within 30 days following the end of each calendar quarter.
7. Excess emissions for sulfur dioxide from S01 or S02 are any 3 -hour averages during which the average sulfur dioxide emissions for 3 consecutive hours exceed the applicable emission limitation.

STATE OF WISCONSIN  
 DEPARTMENT OF NATURAL RESOURCES  
 For the Secretary

*for* *Jon Henrik*  
 Lloyd Eagan, Bureau Director  
 Bureau of Air Management

*August 16, 2001*  
 Date

For Wisconsin Public Service Corporation

*David W. Harpole*  
 David W. Harpole, Asst. Vice President - Energy Supply

*July 12, 2001*  
 Date

WAIVER AND STIPULATION

Wisconsin Public Service Corporation hereby waives further notice and all statutory rights to demand a hearing before the Department of Natural Resources and to commence any judicial action regarding the foregoing Findings of Fact, Conclusions of Law and Consent Order under ss. 285.11, 285.13, 285.83, 227.42, 227.52, and 227.53, Wis. Statutes, or any other provision of law. Wisconsin Public Service Corporation further stipulates and agrees that the Consent Order is effective and enforceable upon being signed by both parties and may be enforced in accordance with ss. 285.83 and 285.87, Wis. Statutes, and ch. NR 494, Wisconsin Administrative Code. The undersigned certifies that he is authorized by Wisconsin Public Service Corporation to execute such Consent Order, Wavier and Stipulation.

For Wisconsin Public Service Corporation

*David W. Harpole*  
 David W. Harpole, Asst. Vice President - Energy Supply

*July 12, 2001*  
 Date