

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN THE MATTER OF:

Georgia-Pacific Panel Products LLC
149 Temple Drive
Mt. Jewett, Pennsylvania 16740

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)
) Docket No. CAA-03-2018-0028
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)
) Proceeding Pursuant to Sections
) 113(a) and (d) of the Clean Air
) Act, as amended, 42 U.S.C.
) §7413(a) and (d)
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CONSENT AGREEMENT

I. Preliminary Statement

This administrative Consent Agreement (the "Consent Agreement") is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III ("EPA" or "Complainant"), and Georgia-Pacific Panel Products LLC ("Respondent" or "Georgia Pacific"), pursuant to Section 113(a) and (d) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7413(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice").

The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). In accordance with Section 113(d)(1) of the CAA, 42 U.S.C. §7413(d)(1), the Administrator and the Attorney General have jointly determined that an administrative penalty action is appropriate in this matter, as the violations began more than twelve (12) months ago.

This Consent Agreement and the accompanying Final Order (collectively referred to as the "CAFO") address alleged violations of the CAA by the Respondent at its plant located at 149 Temple Drive, Mt. Jewett, Pennsylvania (the "Facility"), of the requirements found in 40 C.F.R. Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products ("Subpart DDDD") which was promulgated pursuant to Section 112 in Title I of the CAA, 42 U.S.C. §7412, for the federal control program for hazardous air pollutants ("HAPs").

II. General Provisions

1. Section 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
3. Except as provided in paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this Consent Agreement and the accompanying Final Order.
4. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order, agrees to comply with the terms and conditions set forth therein, and consents to the payment of a civil penalty as set forth in this CAFO.
5. Respondent agrees to pay its own costs and attorney fees.
6. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.

III. Statutory and Regulatory Background

7. Section 112 in Title I of the CAA, 42 U.S.C. § 7412, governs the federal control program for HAPs and directs EPA to define the categories of sources that are required to control emissions of HAPs. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), directs EPA to establish national emissions standards for hazardous air pollutants ("NESHAPs") for sources in each category to limit the release of specified HAPs from specific industrial sectors.
8. Subpart DDDD establishes national compliance options, operating requirements, and work practice requirements for HAPs emitted from plywood and composite wood products ("PCWP") manufacturing facilities. This subpart also establishes requirements to demonstrate initial and continuous compliance with the compliance options, operating requirements, and work practice requirements.

9. An “area source” of HAP is defined in 40 C.F.R. § 63.11170(b) as “a source of HAP that is not a major source of HAP, is not located at a major source, and is not part of a major source of HAP emissions.”
10. A “stationary source” is defined in Section 302(z) of the Act, 42 U.S.C. § 7602(z), as “generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 7550 of this title.”
11. “HAP” is defined as “any air pollutant listed in or pursuant to section 112(b) of the Act.” 40 C.F.R. § 63.2.
12. Pursuant to 40 C.F.R. § 63.2231(b), Subpart DDDD applies to an owner or operator of a PCWP manufacturing facility located at a major source of HAP emissions.
13. A “major source” under Subpart DDDD is “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year, or emit any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year.” 40 C.F.R. § 63.2231(b).
14. A PCWP manufacturing facility is a facility that manufactures plywood and/or composite wood products by bonding wood material (fibers, particles, strands, veneers, etc.) or agricultural fiber, generally with resin under heat and pressure, to form a structural panel or engineered wood product. Plywood and composite wood products manufacturing facilities also include facilities that manufacture dry veneer and lumber kilns located at any facility. Plywood and composite wood products include, but are not limited to, plywood, veneer, particleboard, oriented strandboard, hardboard, fiberboard, medium density fiberboard, laminated strand lumber, laminated veneer lumber, wood I-joists, kiln-dried lumber, and glue-laminated beams. 40 C.F.R. § 63.2231(a).
15. Pursuant to 40 C.F.R. § 63.2232(a), Subpart DDDD regulations apply to each new, reconstructed, or existing affected source at a PCWP manufacturing facility.
16. Pursuant to 40 C.F.R. § 63.2292 “affected source” means the collection of dryers, refiners, blenders, formers, presses, board coolers, and other process units associated with the manufacturing of plywood and composite wood products. The affected source includes, but is not limited to, green end operations, refining, drying operations (including any combustion unit exhaust stream routinely used to direct fire process unit(s)), resin preparation, blending and forming operations, pressing and board cooling operations, and miscellaneous finishing operations (such as sanding, sawing, patching, edge sealing, and other finishing operations not subject to other NESHAP). The affected source also includes onsite storage of raw materials used in the manufacture of plywood and/or composite wood products, such as resins; onsite wastewater treatment operations specifically associated with plywood and composite wood products manufacturing; and miscellaneous coating operations (defined elsewhere in this section). The affected source includes lumber kilns at PCWP manufacturing

facilities and at any other kind of facility.

17. Pursuant to 40 C.F.R. § 63.2241(a), each work practice requirement found in Table 3 to Subpart DDDD must be met by the owner or operator of a PCWP manufacturing facility.
18. Table 3 to Subpart DDDD sets forth work practice requirements for process units at existing affected sources, for Group 1 miscellaneous coatings operations.
19. Pursuant to 40 C.F.R. §63.2292, Group 1 miscellaneous coating operations means application of edge seals, nail lines, logo (or other information) paint, shelving edge fillers, trademark/gradestamp inks, and wood putty patches to plywood and composite wood products (except kiln-dried lumber) on the same site where the plywood and composite wood products are manufactured. Group 1 miscellaneous coating operations also include application of synthetic patches to plywood at new affected sources.
20. Table 3 to Subpart DDDD states that for existing affected source Group 1 miscellaneous coatings operations, the facility must use non-HAP coatings as defined in 40 C.F.R. §63.2292.
21. Pursuant to 40 C.F.R. §63.2292, “Non-HAP coating means a coating with HAP contents below 0.1 percent by mass for Occupational Safety and Health Administration-defined carcinogens as specified in 29 C.F.R. 1910.1200(d)(4), and below 1.0 percent by mass for other HAP compounds.”
22. Pursuant to 40 C.F.R. §63.2292, “deviation” means any instance in which an affected source subject to this subpart, or an owner or operator of such a source fails to meet any requirement or obligation established by this subpart including, but not limited to, any compliance option, operating requirement, or work practice requirement.
23. Title V of the CAA, 42 U.S.C. § 7661a, established an operating permit program for major sources of air pollution. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator a permit program meeting the requirements of Title V.
24. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations providing for the establishment of Title V permitting programs at 40 C.F.R. Part 70.
25. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provides that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.
26. EPA granted full and final approval to the Pennsylvania Title V permit program on August 29, 1996, and the program became effective on that date. 61 Fed. Reg. 39597. Pennsylvania’s Title V regulations are promulgated at 25 Pa. Code §§ 127.501 through

IV. Findings of Fact and Conclusions of Law

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:

27. Respondent is a limited liability corporation organized under the laws of Delaware.
28. Respondent is a “person” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), because it is a corporation.
29. At all times relevant to the violations alleged in this Consent Agreement, Respondent has been the owner and operator of the Facility.
30. The Facility is an existing affected source pursuant to 40 C.F.R. § 63.2232(e), because it is not new (as construction commenced before January 9, 2003) or reconstructed.
31. The Facility is subject to Subpart DDDD as an “affected source” under Subpart DDDD because the process it uses to manufacture medium density fiberboard (“MDF”) includes, but is not limited to, a collection of dryers, refiners, presses, and other process units associated with the manufacturing of plywood and composite wood products. The affected source includes, but is not limited to, refining, hot air two-stage drying operations (which include the use of a combustion unit), resin preparation, pressing and forming operations, and miscellaneous finishing operations (such as sanding, sawing and other finishing operations). The affected source also includes onsite storage of raw materials (logs and wood chips at a wood yard) used in the manufacture of plywood and/or composite wood products.
32. The Facility is a PCWP facility under 40 C.F.R. § 63.2231(a) because Respondent manufactures plywood and/or composite wood products at the Facility, and bonds wood material with resin under heat and pressure to form a structural panel or engineered wood product. Finished board units are manufactured at the Facility by mechanically refining wood chips into fibrous material.
33. The Facility is a Group 1 miscellaneous coating operation under 40 C.F.R. §63.2292 because Respondent applied aerosol spray paint manufactured by “Krylon” to both finished and unfinished plywood and composite wood products on the same site (the Facility) where the plywood and composite wood products are manufactured. The aerosol spray paint was applied as an edge marking to finished board at the request of customers; the Krylon spray paint was applied to unfinished board at the press outfeed for internal tracking purposes. The aerosol spray paint that Respondent applied to plywood and composite wood products manufactured at the Facility contained HAPs in excess of the non-HAP coating threshold required for Group 1 miscellaneous coating operations as defined in 40 C.F.R. § 62.2292.

34. The Facility is a “major source” subject to DDDD because its potential to emit formaldehyde, a listed HAP, is greater than 10 tons per year.
35. On November 9, 2011, Respondent was issued a Title V Operating Permit [Permit No. 42-00158] for the Facility by the Pennsylvania Department of Environmental Protection (“PADEP”) (the “Permit”). On May 2, 2016, PADEP received Respondent’s permit renewal application for the Facility. PADEP has not issued a new operating permit for the Facility yet and thus, Respondent remains liable for all violations under the terms and conditions of the current Permit.
36. Pursuant to condition #024 of the General Title V Requirements found in Section B of the Permit, and 25 Pa. Code §127.513, “one year after the date of issuance of the Title V permit, and each year thereafter”, Respondent is required to submit to PADEP and EPA an annual certificate of compliance with the terms and conditions of the Permit (the “Annual Compliance Certification”), certified by a responsible official of Respondent and identifying, among other things, the compliance status of the Facility and whether compliance was continuous or intermittent. The Permit further requires that the Annual Compliance Certification include the reporting of all deviations from compliance.
37. On October 30, 2014, EPA received correspondence from Heather Reiter, Environmental Safety Manager for Respondent. The October 30, 2014 correspondence included Respondent’s Annual Compliance Certification for the 2014 reporting year for the Facility. The Annual Compliance Certification identified and self-reported a summary of deviations and excursions that occurred during the time period from October 2, 2013 to October 1, 2014.
38. The deviations reported in the Annual Compliance Certification for the 2014 reporting year for the Facility related to Respondent’s application of aerosol spray paint to finished board that contained HAPs in excess of the non-HAP coating threshold required for Group 1 miscellaneous coating operations, as defined in 40 C.F.R. §63.2292.
39. On July 8, 2016, Bowen (“Chip”) Hosford, a former employee of EPA, spoke with Ms. Reiter via telephone concerning the deviation referred to in paragraph 37 above, and requested further information concerning Respondent’s usage of HAP coatings and other issues listed in the Compliance Certification Report. During that conversation, Reiter stated that HAP containing paints were used to mark the edges of stacks of panels using a different color for different customers.
40. In a July 14, 2016 email from Reiter to Hosford under the subject heading “Information for the 2014 Annual Compliance Certification,” Reiter again confirmed the use aerosol spray paint to finished board that contained HAPs in excess of the non-HAP coating threshold and stated: “From Jan 1, 2014 to Dec 31, 2014 we used approximately 92.5 gallons of spray paint. The paint was sprayed onto the edge of the board going to the customer.”

41. On December 2, 2016, EPA issued a CAA Section 114 information request to Georgia Pacific. In its January 20, 2017 Response to EPA's information request, Respondent indicated that:
- It self-reported a deviation in its Compliance Certification Report for the 2014 reporting year;
 - Its 2014 Compliance Certification Report indicated that the Facility had been marking finished board with aerosol spray paint that contained HAPs in excess of the non-HAP coating threshold required for Group 1 miscellaneous coating operations. The Facility discontinued the use of HAP-containing spray paint for this purpose on October 20, 2014.
 - In its January 20, 2017 Response to EPA's information request, Respondent indicated that in the course of responding to EPA's request, Respondent discovered that the Facility had also used HAP-containing spray paint to mark unfinished board at the press outfeed for internal tracking purposes as well. The Facility discontinued the use of HAP-containing spray paint for this purpose on January 18, 2017.
42. Pursuant to condition #007 of the General Title V Requirements found in Section B of the Permit (related to Compliance Requirements), "[t]he permittee shall comply with the conditions of this permit. Noncompliance with this permit constitutes a violation of the Clean Air Act and the Air Pollution Control Act..." 25 Pa. Code §§127.25, 127.444 and 127.512(c)(1).
43. Pursuant to condition #029 of the Site Level Requirements found in Section C of the Permit (related to Work Practice Standards), the permittee "...must be in compliance with the compliance options, operating requirements, and the work practice requirements in [Subpart DDDD] at all times", with certain exception that do not apply here. 40 C.F.R. §63.2250.

VIOLATIONS

FAILURE TO COMPLY WITH THE CONDITIONS OF THE PERMIT RELATED WORK PRACTICE STANDARDS

44. Based on self-reporting information provided by the Respondent in its Annual Certification of Compliance, Georgia Pacific's January 20, 2017 response to EPA's information request under Section 114 of the CAA, and email communications and other correspondence as described above in paragraphs 37, 39 and 40 above, EPA determined that the Respondent violated the work practice requirements found in Table 3 to Subpart DDDD related to Group 1 miscellaneous coatings operations and the use of non-HAP coatings (on finished and unfinished boards), as defined in 40 C.F.R. §63.2292, in violation of 40 C.F.R. § 63.2250(a) of Subpart DDDD, Sections 112 and 502 of the CAA, 42 U.S.C. §§7412 and 7661a, 25 Pa. Code §§ 127.512(c)(1), 127.513, 127.25 and 127.444, from July 19, 2013 to October 20, 2014 (for finished boards), and from July 19, 2013 to January 18, 2017 (for unfinished boards).

V. Settlement Recitation, Settlement Conditions, and Civil Penalty

45. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle the violations specifically set forth in Section IV of this Consent Agreement.
46. In settlement of the alleged violations enumerated above in Section IV of this Consent Agreement, Respondent consents to the assessment and agrees to pay a civil penalty in the amount of EIGHTY THOUSAND DOLLARS (\$80,000) within the time and manner specified herein.
47. The settlement amount of EIGHTY THOUSAND DOLLARS (\$80,000) is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require, and the EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). This Consent Agreement and Final Order shall constitute satisfaction of all civil claims for penalties for the specific violations set forth in Section IV.
48. Respondent shall pay the civil penalty of EIGHTY THOUSAND DOLLARS (\$80,000) no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
49. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
50. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

51. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. §13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
52. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. §13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
53. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order.
54. Payment of the penalty in Paragraph 46 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to "Treasurer, United States of America" and shall reference the above case caption and docket number (CAA-03-2018-0028).
55. Instructions for submitting payment of the penalty using the methods, or combination of methods, described above are provided at the following EPA website addresses:
<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>
<http://www2.epa.gov/financial/makepayment>
56. Any payment made by any method must reference the above case caption and docket number, (CAA-03-2018-0028). Within 24 hours of payment of any penalty amount, Respondent shall send copies of any corresponding check, or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment, to the Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Dennis M. Abraham, Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Paul Arnold (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
57. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.
58. This Consent Agreement and Final Order shall constitute satisfaction of all civil claims for penalties for the specific violations alleged in Section IV above. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.

59. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court, in accordance with Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5).

VI. Reservation of Rights

60. This Consent Agreement and the accompanying Final Order resolve only the civil penalty claims for the specific violations alleged in Section IV of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

VII. Effective Date

61. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order, following signature by the Regional Judicial Officer or Regional Administrator of Region III, is filed with the Regional Hearing Clerk of EPA Region III.

VIII. Waiver of Hearing

62. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.

IX. Entire Agreement

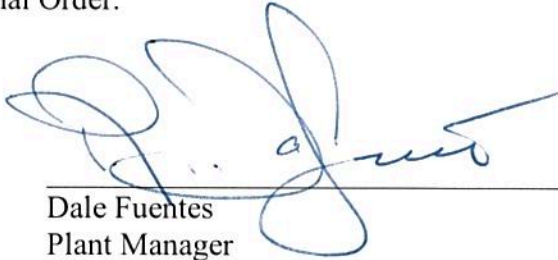
63. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

X. Execution

64. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For the Respondent:

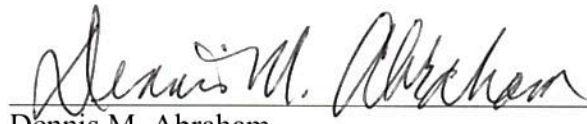
11-8-2017
Date



Dale Fuentes
Plant Manager

For the Complainant:


11-15-17
Date



Dennis M. Abraham
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order (CAA-03-2018-0028). The amount of the recommended civil penalty assessment is EIGHTY THOUSAND DOLLARS (\$80,000).

12-12-17
Date



Cristina Fernandez, Director
Air Protection Division
U.S. Environmental Protection Agency, Region III

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN THE MATTER OF:

Georgia-Pacific Panel Products LLC
149 Temple Drive
Mt. Jewett, Pennsylvania 16740

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) Docket No. CAA-03-2018-0028
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) Proceeding Pursuant to Sections
) 113(a) and (d) of the Clean Air
) Act, as amended, 42 U.S.C.
) §7413(a) and (d)

FINAL ORDER


Complainant, the Director of the Air Protection Division, U.S. EPA Region III, and Respondent, Georgia-Pacific Panel Products LLC (“Respondent” or “Georgia Pacific”), have executed a document entitled “Consent Agreement” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation), and the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of EIGHTY THOUSAND DOLLARS (\$80,000), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: Dec. 19, 2017



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III

CERTIFICATE OF SERVICE


I hereby certify that on the date set forth below, I hand-delivered the original and two (2) copies of the Consent Agreement and Final Order, Docket No. CAA-03-2018-0028 to the:

Regional Hearing Clerk
U.S. EPA, Region III (3RCOO)
1650 Arch Street
Philadelphia, PA 19103-2029

I further certify that on the same date, I sent via CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and correct copy of the aforesaid Consent Agreement and Final Order to counsel for the Respondent:

JOHN C. BOTTINI
Senior Counsel - EH&S
Georgia-Pacific LLC
133 Peachtree St., NE
Atlanta, GA 30303
(404) 652-4883

12/20/17
DATE


Dennis M. Abraham
Senior Assistant Regional Counsel
U.S. EPA, Region III
Office of Regional Counsel (3C10)
1650 Arch Street
Philadelphia, PA 19103
(215) 815-5214