

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

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REGIONAL HEARING CLERK  
EPA REGION 6

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IN THE MATTER OF:

International Paper Company  
Bogalusa, Louisiana

RESPONDENT

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DOCKET NO. CAA-06-2025-3306

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**CONSENT AGREEMENT**

**A. PRELIMINARY STATEMENT**

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act, (the “CAA” or the “Act”), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 (“EPA”). On EPA’s behalf, the Director of the Enforcement and Compliance Assurance Division has been delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. Respondent, International Paper Company, is a corporation doing business in the state of Louisiana. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as “CAFO” without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

#### **B. JURISDICTION**

5. This CAFO is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) and (a)(3)(A), 42 U.S.C. § 7413(a)(1)(B), (a)(3)(A).

6. EPA and the United States Department of Justice jointly determined that this matter, although it involves a penalty assessment above \$460,926 and alleged violations that occurred more than a year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

7. In satisfaction of the notice requirements of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), on September 27, 2021, EPA issued to Respondent a Notice of Potential Violation and Opportunity to Confer (“NOPVOC”) and provided a copy of the NOPVOC to the State of Louisiana. On May 30, 2023, EPA issued to Respondent a Second Notice of Violation and Opportunity to Confer (“NOVOC”), which superseded the September 27, 2021, NOPVOC. In the NOVOC, EPA provided notice to both Respondent and the State of Louisiana that EPA found that Respondent committed the alleged violations described in Section E of this CAFO and

provided Respondent an opportunity to confer with EPA. On October 12, 2021, and July 24, 2023, representatives of Respondent and EPA discussed the September 27, 2021, and May 30, 2023, NOVOCs, respectively.

8. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

### **C. GOVERNING LAW**

10. The Act is designed “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” CAA § 101(b)(1), 42 U.S.C. § 7401(b)(1).

11. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in SIPs.

#### **a. Clean Air Act Section 111 and New Source Performance Standards**

12. Section 111 of the CAA, 42 U.S.C. § 7411, authorizes EPA to promulgate regulations establishing New Source Performance Standards (“NSPS”). Section 111(e) of the CAA, 42 U.S.C. § 7411(e), states that after the effective date of standards of performance promulgated under this Section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

13. The NSPS rules are located in Part 60 of Title 40 of the Code of Federal Regulations.

**i. 40 C.F.R Part 60, Subpart A – General Provisions**

14. NSPS Subpart A applies “to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.” 40 C.F.R. § 60.1(a).

15. “Affected facility” is defined as “any apparatus to which a standard is applicable.” 40 C.F.R. § 60.2.

16. “Standard” is defined as “a standard of performance proposed or promulgated under” 40 C.F.R. Part 60. 40 C.F.R. § 60.2.

17. “Stationary source” is defined as “any building, structure, facility, or installation which emits or may emit any air pollutant.” 40 C.F.R. § 60.2.

18. 40 C.F.R. § 60.11(d) requires that “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.”

**ii. 40 C.F.R. Part 60, Subpart BB – NSPS for Kraft Pulp Mills**

19. EPA first promulgated 40 C.F.R. Part 60, Subpart BB (“NSPS Subpart BB”) on February 23, 1978. *See* 43 Fed. Reg. 7572. EPA has subsequently amended NSPS Subpart BB on numerous occasions.

20. NSPS Subpart BB applies to the following affected facilities in kraft pulp mills that commenced construction, reconstruction, or modification after September 24, 1976, and on or before May 23, 2013: “digester system, brown stock washer system, multiple-effect evaporator system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system.” 40 C.F.R. § 60.280(a)–(b).

21. A “kraft pulp mill” means any stationary source which produces pulp from wood by cooking (i.e., digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (i.e., white liquor) at high temperature and pressure. 40 C.F.R. § 60.281(a).

22. 40 C.F.R. § 60.283 establishes standards for total reduced sulfur (“TRS”) emissions from kraft pulp mills.

23. Pursuant to 40 C.F.R. § 60.283(a), TRS emissions from any straight kraft recovery furnace may not exceed “5 ppm by volume on a dry basis, corrected to 8 percent oxygen.” 40 C.F.R. § 60.283(a)(2).

24. 40 C.F.R. § 60.284 establishes standards for monitoring of emissions and operations related to kraft pulp mills.

25. 40 C.F.R. § 60.284(a) requires an owner or operator to install, calibrate, maintain, and operate a continuous monitoring system to monitor and record the concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry

basis in the gases discharged into the atmosphere from any lime kiln, recovery furnace, digester system, brown stock washer system, multiple-effective evaporator system, or condensate stripper system, except where the provisions of 40 C.F.R. § 60.283(a)(1)(iii) or (iv) apply. 40 C.F.R. § 60.284(a)(2).

26. 40 C.F.R. § 60.284(c) requires an owner or operator to calculate and record on a daily basis 12-hour average TRS concentrations for the two consecutive periods of each operating day and the 12-hour average oxygen concentrations for the two consecutive periods of each operating day for the recovery furnace and lime kiln. 40 C.F.R. § 60.284(c)(1) and (2). The owner or operator must correct all 12-hour average TRS concentrations to 10 volume percent oxygen, except that all 12-hour average TRS concentrations from a recovery furnace shall be corrected to 8 volume percent oxygen, and all 12-hour average TRS concentrations from a facility to which 40 C.F.R. § 60.283(a)(1)(v) applies shall not be corrected for oxygen content. 40 C.F.R. § 60.284(c)(3). An owner or operator must record once per shift measurements obtained from the continuous monitoring devices installed under 40 C.F.R. § 60.284(b)(2). 40 C.F.R. § 60.284(c)(4).

27. Pursuant to 40 C.F.R. § 60.284(d), “any owner or operator subject to the provisions of [NSPS Subpart BB] shall report semiannually periods of excess emissions as follows: (1) For emissions from any recovery furnace periods of excess emissions are: (i) All 12-hour averages of TRS concentrations above 5 ppm by volume for straight kraft recovery furnaces and above 25 ppm by volume for cross recovery furnaces.” 40 C.F.R. § 60.284(d)(1)(i).

28. “The Administrator will not consider periods of excess emissions reported under paragraph (d) of this section to be indicative of a violation of [40 C.F.R.] § 60.11(d) provided

that: (1) The percent of the total number of possible contiguous periods of excess emissions in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the facility is not operating) during which excess emissions occur does not exceed: (i) One percent for TRS emissions from recovery furnaces.” 40 C.F.R. § 60.284(e)(1)(i).

**b. Clean Air Act Section 112 and National Emission Standards for Hazardous Air Pollutants**

29. Section 112 of the CAA, 42 U.S.C. § 7412(c)(1)–(2) and (d)(1)–(2), requires EPA to identify categories and subcategories of major sources of hazardous air pollutants (“HAPs”), and to establish emission standards requiring the maximum degree of reduction in emissions of HAPs that EPA determines is achievable through the application of measures, processes, methods, systems, or techniques including, but not limited to, the enclosure of systems or processes to eliminate emissions, and design, equipment, work practice, or other operational standards.

30. Section 112(a)(1)(A) of the CAA, 42 U.S.C. § 7412(a)(1)(A), defines a “major source” to mean “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 considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.” *See also* 40 C.F.R. § 63.2.

**i. 40 C.F.R. Part 63, Subpart S – NESHAP for the Pulp and Paper Industry**

31. EPA first promulgated 40 C.F.R. Part 63, Subpart S (“NESHAP Subpart S”) on April 15, 1998. *See* 63 Fed. Reg. 18617. EPA has subsequently amended this subpart on several occasions.

32. NESHAP Subpart S applies to the owner or operator of processes that produce pulp, paper, or paperboard; that are located at a plant site that is a major source; and that use, among other things, the following processes and materials: kraft, soda, sulfite, or semi-chemical pulping processes using wood. 40 CFR § 63.440(a)(1).

33. The existing source provisions of NESHAP Subpart S apply to certain affected sources, including the total of all HAP emission points in the pulping and bleaching systems. 40 C.F.R. § 63.440(b)(1).

34. 40 C.F.R. § 63.446 establishes standards for the kraft pulping process condensates from the following equipment systems: digester systems; turpentine recovery systems; evaporator system condensates from the vapors from each stage where weak liquor is introduced (“feed stages”) and each evaporator vacuum system for each stage where weak liquor is introduced (“feed stages”); high volume, low concentration (“HVLC”) collection systems; and low volume, high concentration (“LVHC”) collection systems. 40 C.F.R. § 63.446(b).

35. Pursuant to 40 C.F.R. § 63.446(d), the “pulping process condensates from the equipment systems listed in paragraph (b) of this section shall be conveyed in a closed collection system that is designed and operated to meet the requirements specified in” subsection (d). Specifically, “[i]f a condensate tank is used in the closed collection system,” then “[e]ach opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that the tank contains pulping process condensates or any HAP removed from a pulping process stream except when it is necessary to use the opening for sampling, removal, or for equipment inspection, maintenance, or repair.” 40 C.F.R. § 63.446(d)(2)(ii).



36. 40 C.F.R. § 63.450(a) establishes standards for enclosures and closed-vent systems, including kraft process systems subject to 40 C.F.R. § 63.443(c) and bleaching systems subject to 40 C.F.R. § 63.445(b).

37. Pursuant to 40 C.F.R. § 63.450(d), for “each bypass line in [a] closed-vent system that could divert vent streams containing [HAPs] to the atmosphere without meeting the emission limitations in [40 C.F.R.] §§ 63.443, 63.444, or 63.445,” the owner or operator must either: (1) “install, calibrate, maintain, and operate according to the manufacturer’s specifications a flow indicator that is capable of taking periodic readings” every fifteen (15) minutes; or (2) “[f]or bypass line valves that are not computer controlled, . . . maintain the bypass line valve in the closed position with a car seal or a seal placed on the valve or closure mechanism in such a way that valve or closure mechanism cannot be opened without breaking the seal.”

38. 40 C.F.R. § 63.454 establishes various recordkeeping requirements for the monitoring requirements specified in 40 C.F.R. § 63.453 for owners and operators of pulp and paper mills.

39. “For each applicable enclosure opening, closed-vent system, and closed collection system, the owner or operator shall prepare and maintain a site-specific inspection plan including a drawing or schematic of the components of applicable affected equipment and shall record” each component of information listed in 40 C.F.R. § 63.454(b)(1)-(12). 40 C.F.R. § 63.454(b).

**c. Louisiana State Implementation Plan**

40. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutants, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such “criteria” pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards (“NAAQS”) requisite to protect the public health and welfare.

41. Under Section 107(d) of the CAA, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality either meets or does not meet the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular criteria pollutant is termed an “attainment” area with respect to such pollutant. An area that does not meet the NAAQS for a particular criteria pollutant is termed a “nonattainment” area with respect to such pollutant.

42. Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state to adopt and submit to the Administrator of EPA a plan that provides for implementation, maintenance, and enforcement, for each promulgated NAAQS, in each air quality control region (or portion thereof). Each such plan (*i.e.*, SIP), must include enforceable emission limitations and other control measures as well as a permit program to regulate the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved. Section 110(a)(2)(A) of the CAA, 42 U.S.C. § 7410(a)(2)(A). The SIP must also provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and, upon

request, make such data available to EPA. Section 110(a)(2)(B) of the CAA, 42 U.S.C. § 7410(a)(2)(B).

43. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is a requirement of the SIP and is federally enforceable under Section 113.

44. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, the State of Louisiana adopted regulations that comprise the SIP for Louisiana (the “Louisiana SIP”). The Louisiana SIP regulations as approved by EPA are set forth in 40 C.F.R. § 52.970(c). The Louisiana SIP incorporates the State of Louisiana’s New Source Review (“NSR”) permitting programs for both major and minor sources.

45. Section 501 of Title 33, Part III, of the Louisiana Administrative Code (“LAC”) establishes the scope and applicability of air permit procedures.

46. LAC 33:III.502 defines “Part 70 Source” as “any source which is required to obtain a federally enforceable operating permit in accordance with 40 CFR Part 70, including . . . any major source as defined in” LAC 33:III.502.

47. LAC 33:III.502 defines “Major Source” as, “for the purposes of determining the applicability of 40 CFR part 70 or of LAC 33:III.507, any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control) that belong to a single major industrial grouping, and that are described in Subparagraph a, b, or c of this

definition. For the purposes of defining *major source*, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code), as described in the Standard Industrial Classification (SIC) Manual, 1987.” Subparagraphs a, b, and c of the definition describe the following stationary sources: “a major source under Section 112 of the” CAA, “any stationary source that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant (except for GHGs) excluding any air pollutant regulated solely under Section 112(r) of the” CAA, and “any major stationary source as defined in part D (nonattainment) of title I of the [CAA], including any source defined as a major stationary source under LAC 33:III.504.K.”

48. LAC 33:III.535.A establishes the Part 70 General Conditions that shall apply to each Part 70 Source as defined in LAC 33:III.502, including a requirement to “submit prompt reports of all permit deviations.”

#### **D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

49. International Paper (“IP” or “Respondent”) owns and/or operates the IP Bogalusa Mill located at 401 Ave U, Bogalusa, Louisiana 70427 (the “Facility”).

50. At all times relevant to this proceeding, Respondent has owned and/or operated the Facility.

51. Respondent is the owner and/or operator of the Facility within the meaning of the Act, Section 111(a)(5) and 112(a)(9), 42 U.S.C. §§ 7411(a)(5) and 7412(a)(9), and 40 C.F.R. §§ 60.2 and 63.2, and LAC 33:III.111.

52. At all times relevant to this proceeding, Respondent owned and/or operated the Facility, which has the potential to emit more than 25 tons per year of a combination of HAPs.

53. The Facility is a kraft pulp and paper mill. Primary operations at the mill include multiple fuel-fired boilers (power operations), wood pulping, chemical recovery, papermaking, maintenance, and additional operations and equipment necessary to support these activities. Power operations include two steam boilers and associated processes and equipment. Wood pulping operations include two continuous digesters where wood chips are converted into pulp. Chemical recovery operations include evaporators, two recovery furnaces, and associated tanks and concentrators. Additional processes and equipment are necessary to support the chemical recovery operations. The papermaking operations include two Fourdrinier machines that create linerboard.

54. The Facility is a “stationary source” as that term is defined in Sections 111(a)(3) and 112(a)(3) of the Act, 42 U.S.C. §§ 7411(a)(3) and 7412(a)(3), and 40 C.F.R. §§ 60.2 and 63.2, and LAC 33:III.502.

55. At all times relevant to this proceeding, the Facility was a “major source” within the meaning of Section 112 of the CAA, 42 U.S.C. § 7412, the Act’s Title V program, Section 501(2) of the Act, 42 U.S.C. § 7661(2), and 40 C.F.R. § 70.2, and LAC 33:III.502.

56. The Facility is subject to 40 C.F.R. Part 60, NSPS Subparts A and BB, among others. The Facility is subject to 40 C.F.R. Part 63, NESHAP Subpart S.

57. The Facility is subject to the CAA Title V Federal Operating Permit (“FOP”) program.

58. On June 19, 2018, Respondent was issued Permit No. 3060-00001-V9AA (“Title V Permit”), an air permit issued under the Louisiana Operating Permits Program. Respondent submitted a renewal application for the Title V Permit on October 24, 2018. The Title V Permit covers various emissions units at the Facility, including the Hogged Fuel Boiler, Recovery Furnace, digester system, brown stock washer system, multiple-effect evaporator system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system.

59. The Facility currently operates under Title V Permit No. 3060-00001-V10, which was issued by the Louisiana Department of Environmental Quality (“LDEQ”) on February 4, 2022.

60. EPA Region 6 inspectors conducted an announced inspection of the Facility on September 10–13, 2018 (the “EPA Inspection”).

61. EPA Region 6 issued a final inspection report on October 23, 2018.

**a. 40 C.F.R. Part 60, Subpart A – NSPS General Provisions**

62. On August 14, 2017, Respondent recorded a 12-hour block average of TRS emissions at 8.64 ppm, exceeding the NSPS Subpart BB emission standard for TRS. Respondent reported this period of emissions exceedances in the second 2017 Title V Semi-annual Report as “Startup/Shutdown – ESP Maintenance” and claimed the block average exceedance is excluded from consideration as a violation of the TRS standard.

63. Telephone conversations and emailed documents including written explanations of CEMS data records provided by Respondent indicated Recovery Furnace No. 21 (“EQT 0010”) maintained a state of continuous combustion throughout the emissions exceedance on August 14, 2017, transitioning its primary fuel from Black Liquor Solids to Natural Gas.

64. Respondent indicated in phone conversations and emailed correspondence that the emissions exceedance was caused by a planned maintenance activity.

65. In the second 2017 Title V semi-annual deviation report, Respondent reported emissions exceeding the NSPS Subpart BB emission standard for TRS from EQT 0010 for the 12-hour block average from 12:00 to 0:00 on September 27, 2017.

66. Respondent stated in the semi-annual deviation report that the emissions exceedance on September 27, 2017, was caused by suboptimal char bed conditions in EQT 0010.

**b. 40 C.F.R. Part 60, Subpart BB – NSPS for Kraft Pulp Mills**

67. Based on a review of the records submitted by Respondent, including backup CEMS data files and statements provided by Respondent to EPA, Respondent excludes TRS emissions data recorded by the CEMs for continuous compliance demonstrations when EQT 0010 is not firing Black Liquor Solids.

68. Based on a review of the records submitted by Respondent, during 2017 and 2018, the Facility had no less than two periods of excess TRS emissions in contiguous 12-hour block averaging periods at EQT 0010 (excluding periods of startup, shutdown, or malfunction and periods when the facility is not operating), exceeding one percent of the total number of possible contiguous periods of excess emissions in that quarter.

69. For one 12-hour block averaging exceedance that occurred on August 14, 2017, Respondent reported the emissions exceedance were caused by “Startup/Shutdown – ESP Maintenance.”

70. Respondent reported one 12-hour block average exceedance on September 27, 2017, as excess emissions.

71. On February 13, 2018, Respondent recorded a 12-hour block average exceedance of the NSPS Subpart BB emissions standard for TRS from EQT 0010. Respondent recorded the block averaging period's emissions of TRS at 6.76 ppm, exceeding the standard set by 40 C.F.R. § 60.283(a)(2).

72. Respondent did not report the emissions exceedance on February 13, 2018, as a deviation in the Part 70 semi-annual deviation report.

73. EPA reviewed backup CEMS data of TRS emissions at EQT 0010 and noted periods of emissions in excess of the TRS emissions standard during the second 12-hour period of February 13, 2018.

74. EPA reviewed backup CEMS data of TRS emissions at EQT 0010 and noted periods of emissions in excess of the TRS emissions standard during the first 12-hour period of February 14, 2018.

75. EPA reviewed backup CEMS data of TRS emissions at EQT 0010 on the dates May 8-9, 2018, and noted 3 contiguous periods of exceedances of the 12-hour block average standard, beginning in the 00:00 hour of May 8 and ending in the 12:00 hour of May 9, 2018.

76. Respondent reported excess emissions from EQT 0010 beginning on May 8, 2018, at 12:00 and ending May 9, 2018, at 12:00 in the Part 70 permit's first half semi-annual deviation report of 2018.



**c. 40 C.F.R. Part 63, Subpart S – NESHAP from the Pulp and Paper Industry**

77. Based on a review of information provided by Respondent, the Facility has six (6) manual bypass line valves that have neither a flow indicator nor a car seal.

**d. Title 33 of the Louisiana Administrative Code, Part III**

78. On August 8, 2018, Respondent reported in the second Part 70 semi-annual deviation report an emissions exceedance of the TRS standard from EQT 0010.

79. The explanation for the August 8, 2018, deviation lists “Upset Condition – High TRS after BLOX [Black Liquor Oxidation] system modification.”

80. More than thirty (30) days before the issuance of this CAFO, Respondent was notified of the violations alleged herein. On May 30, 2023, EPA sent Respondent the NOVOC and provided a copy to the State of Louisiana.

81. On October 12, 2021, July 24, 2023, and various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials.

82. On December 20, 2021, March 3, 2022, March 28, 2022, May 5, 2022, May 18, 2022, June 10, 2022, August 28, 2023, and other occasions, Respondent submitted or explained technical data, process information, and other facts and materials requested by EPA to assist it in assessing potential violations.

83. EPA has conducted a comprehensive review of the facility-specific information gathered based upon data and reporting compliance reviews, facility permitted operations, and information provided by Respondent. Based on this review, EPA identified alleged violations of the CAA at the Facility as described in Section E of this CAFO.

## **E. ALLEGED VIOLATIONS**

### **a. Violation of 40 C.F.R. Part 60, Subpart A – NSPS General Provisions**

84. The Facility is subject to NSPS Subpart A because it is an affected source under NSPS Subpart BB.

85. The existing affected source for NSPS Subpart BB at the Facility applies to the “digester system, brown stock washer system, multiple-effect evaporator system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system.” 40 C.F.R. § 60.280(a) and (b).

86. EQT 0010 is subject to the requirements of NSPS Subpart BB and is an affected source under NSPS Subpart A.

87. Respondent violated 40 C.F.R. § 60.11(d) by failing to maintain and operate the Facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. The total number of contiguous periods of excess emissions in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the Facility is not operating) during which excess TRS emissions occurred exceeded one percent of the total number of possible contiguous periods of excess emissions for EQT 0010 in the fourth quarter of 2017. *See* 40 C.F.R. § 60.284(e)(1)(i).

### **b. Violation of 40 C.F.R. Part 60, Subpart BB – NSPS for Kraft Pulp Mills**

88. EQT 0010 is an affected facility according to 40 C.F.R. § 60.280(a).

89. Respondent violated 40 C.F.R. § 60.284(c) because Respondent failed to continuously monitor emissions and perform the required calculations and record keeping for emissions of the pollutant TRS in 2017 and 2018 at EQT 0010.

**c. Violation of 40 C.F.R. Part 63, Subpart S – NESHAP from the Pulp and Paper Industry**

90. The Facility is subject to NESHAP Subpart S because it is a major source that uses kraft processes and materials to produce paper products. 40 C.F.R. § 63.440(a)(1).

91. The existing affected source at the Facility is the total of all HAP emission points in the pulping and bleaching systems. 40 C.F.R. § 63.440(b)(1). The Facility operates an existing chemical recovery system located at a kraft pulp mill. 40 C.F.R. § 63.860(b)(1).

92. Respondent owns and/or operates a pulping system that uses a kraft process and a bleaching system that uses chlorinated compounds subject to the requirements of NESHAP Subpart S.

93. Respondent violated 40 C.F.R. § 63.450(d)(2) because Respondent failed to maintain six (6) manual bypass line valves in the closed vent system in the closed position with a car seal or a seal placed on the valve or closure mechanism in such a way that the valve or closure mechanism cannot be opened without breaking the seal.

**d. Title 33 of the Louisiana Administrative Code, Part III**

94. Respondent violated LAC 33:III.535.A because Respondent failed to report deviations from compliance with the Facility's Part 70 Permit in 2018. Periods of excess TRS emissions that should have been reported include February 13, 2018, for EQT 0010.

**F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT**

**a. General**

95. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),  
Respondent:

a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;

b. neither admits nor denies the specific factual allegations contained in this CAFO;

c. by signing this consent agreement, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement;

d. consents to the assessment of a civil penalty as stated below;

e. consents to the issuance of any specified compliance or corrective action order;

f. consents to the conditions specified in this CAFO;

g. consents to any stated Permit Action;

h. waives any right to contest the alleged violations set forth in Section E of this CAFO; and

i. waives its rights to appeal the Final Order included in this CAFO.

96. For the purpose of this proceeding, Respondent:

a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any

issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);

d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Eastern District of Louisiana;

e. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and

f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to this Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

**b. Penalty Assessment and Collection**

97. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, the Respondent's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of penalties previously assessed for the same violation, the

economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$500,000 ("EPA Penalty"). The EPA Penalty has been determined in accordance with the Section 113 of the Act, 42, U.S.C. § 7413 and at no time exceeded EPA's statutory authority.

98. Respondent agrees to:

- a. pay the EPA Penalty within thirty (30) calendar days of the Effective Date of this CAFO, and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving U.S. currency; or (5) Online Payment.

For regular U.S. Postal Service mail, payment should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, *e.g.* FedEx, certified mail), payment should be remitted to:

U.S. Bank  
U.S. Environmental Protection Agency  
Government Lockbox 979078  
3180 Rider Trail S.  
Earth City, MO 63045

Contact: Natalie Pearson  
(314) 418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

For Automated Clearinghouse (also known as "remittance express" or "REX"):

U.S. Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: Jesse White  
(301) 887-6548

For Online Payment:

**<https://www.pay.gov/paygov/>**  
Enter sfo 1.1 in search field  
Open form and complete required fields.

PLEASE NOTE: The docket number CAA-06-2025-3306 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA-06-2025-3306. Respondent's adherence to this request will ensure proper credit is given when penalties are received for Region 6. Respondent shall also email a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following addresses:

Benjamin Rosenthal (ECDAT)  
U.S. EPA Region 6  
Rosenthal.Benjamin@epa.gov

And

Lorena Vaughn  
Region 6 Hearing Clerk  
U.S. EPA Region 6  
vaughn.loreana@epa.gov

99. Respondent agrees to pay the following on any overdue EPA Penalty:

a. Interest. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).

b. Nonpayment Penalty. On any portion of a civil penalty more than ninety (90) calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and which shall be in addition to the interest which accrues under subparagraph a. of this paragraph.

100. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including but not limited to attorney's fees incurred by the United States for collection proceedings.

101. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed



penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;

b. collect the above-referenced debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

**c. Conditions of Settlement**

102. As a Condition of Settlement, Respondent agrees to the following:

a. Within ninety (90) days of the Effective Date of this CAFO, Respondent shall submit the following to EPA:

1. A Site-Specific Inspection Plan for visual inspections and Method 21 inspections at the Facility, which must provide a facility-wide program overview for the facility's program and, at a minimum, describe practices and procedures relating to all compliance requirements for visual inspections and Method 21 inspections, including but not limited to: scope of visual inspections and Method 21 inspections, equipment to be used in visual

inspections and Method 21 inspections, roles and responsibilities of Respondent's employees involved in visual inspections and Method 21 inspections, standard operating procedures for conducting visual inspections and Method 21 inspections, training protocol described in Paragraph 102.a.3, procedures for Quality Assurance and Quality Control in accordance with Paragraph 102.a.4, and retention of visual inspection and Method 21 inspection records in accordance with Paragraph 102.b and applicable regulatory requirements. The Site-Specific Inspection Plan shall include procedures for Respondent to review the Plan annually and update as necessary.

2. A Management of Change Plan, which tracks the addition or removal of valves, connectors, and pumps to ensure equipment is added to or removed from the Facility's visual inspection and Method 21 inspection program, as appropriate. The Management of Change Plan may be included in the Site-Specific Inspection Plan described in Paragraph 102.a.1.

3. A Training Protocol for employees, or a Written Certification to be signed by third-party contractors, which ensures that all employees and third-party contractors performing any regulatory requirement related to visual inspections and Method 21 inspections have proper training and receive initial and annual refresher training provided by Respondent.

4. A Quality Assurance/Quality Control Protocol, which requires Respondent to perform semi-annual internal quality assurance and quality

control checks for compliance with regulatory requirements related to visual inspections and Method 21 inspections. The Protocol must include a requirement that each monitoring technician signs a certification for each day on which monitoring occurs. The certification will attest to the monitoring technician's compliance with either visual inspection or Method 21 procedures, as applicable, and will certify that the monitoring technician has completed professional training in Method 21 monitoring or visual inspections, as applicable.

b. Visual Inspections. Beginning on the Effective Date of the CAFO, Respondent shall continue to conduct visual inspections of each enclosure opening and each closed-vent system in accordance with 40 C.F.R. § 63.453(k) or an alternative monitoring plan for the Facility approved by EPA.

c. Recordkeeping. Respondent must maintain all records and documentation related to its visual inspections and Method 21 inspections for at least one (1) year after the Effective Date of the CAFO.

d. Within thirty (30) days of the Effective Date of the CAFO, Respondent shall ensure the Facility complies with 40 C.F.R. § 63.450(d) by, for each bypass line in a closed-vent system that could divert vent streams containing hazardous air pollutants to the atmosphere without meeting the emission limitations in 40 C.F.R. §§ 63.443, 63.444, or 63.445, either: (1) installing, calibrating, maintaining, and operating according to the manufacturer's specifications a flow indicator that is capable of taking periodic readings every fifteen (15) minutes; or (2) for bypass line valves that are not computer

controlled, maintaining the bypass line valve in the closed position with a car seal or a seal placed on the valve or closure mechanism in such a way that valve or closure mechanism cannot be opened without breaking the seal.

e. Vacuum Leak Survey. Perform a vacuum leak survey on the black liquor evaporators using an agreed-upon method such as ultrasound detection with contact sensors.

f. Evaluate EQT 0010's compliance with NSPS Subpart BB, including but not limited to 40 C.F.R. §§ 60.283 and 60.284, and whether any corrective actions or improvements to EQT 0010 are necessary to achieve compliance. Corrective actions or improvements may include, but are not limited to, replacement, repair, upgrade, and/or maintenance of equipment, such as the economizer, nozzles on the lance tubes, and the smelt dissolving tank.

g. Facility Document. Develop, or modify if already existing, a program overview document for the Facility's black liquor recovery system Recovery Furnaces EQT 0010 and EQT 008 ("Program Overview") describing practices and procedures related to regulatory compliance. The Program Overview shall include the following at a minimum: scope of the associated regulatory requirements for the Facility's black liquor recovery system recovery furnaces; equipment that are part of the Facility's black liquor recovery system recovery furnaces or are related to the recovery furnaces' regulatory compliance; roles and responsibilities of any personnel involved in the operation, maintenance, and regulatory compliance of the black liquor recovery system recovery furnaces; standard operating procedures related to the safety and regulatory

compliance of the Facility's black liquor recovery system recovery furnaces; training protocol that ensures that all employees and third-party contractors performing any regulatory requirement related to the Facility's black liquor recovery system recovery furnaces have proper training and receive initial and refresher training provided by Respondent in accordance with Respondent's existing training schedule; procedures for Quality Assurance and Quality Control to ensure ongoing compliance with regulatory requirements related to the black liquor recovery system recovery furnaces; and requirements for retention of documents related to the black liquor recovery system recovery furnaces and their regulatory compliance. Respondent shall address, at a minimum, start up, shutdown, maintenance, and malfunction procedures for preventing explosions and minimizing emissions. The Program Overview shall include procedures for Respondent to review the Program Overview and referenced protocols, documents, and procedures annually and update as necessary. If Respondent has existing protocols, documents, or procedures that address any of the elements described in this subparagraph, Respondent may incorporate those protocols, documents, or procedures by reference in the Program Overview in the alternative. Respondent shall provide EPA a copy of any existing protocols, documents, or procedures referenced in the Program Overview.

103. Respondent shall maintain any records and documentation related to Respondent's compliance with the Conditions of Settlement for at least one (1) year after the Effective Date of the CAFO.

104. Letter Report. Prior to the date that is one (1) year after the Effective Date of this CAFO, and no earlier than eleven (11) months after the Effective Date of this CAFO, Respondent shall send a letter report to EPA (“Letter Report”) containing all information identified in Paragraph 104.a.

a. The Letter Report shall include:

1. The past eleven (11) months of visual inspection and Method 21 inspection records conducted in accordance with the Site-Specific Inspection Plan;
2. A written explanation of the instances of noncompliance noted during the last eleven (11) months of visual inspections and Method 21 inspections and any corrective actions taken or to be taken by Respondent to address the instances of noncompliance. Respondent shall provide a timeline for completion of any corrective actions to be taken. Respondent shall provide the date for any corrective actions already taken.
3. A written explanation of any noncompliance observed during the evaluation of EQT 0010 pursuant to Paragraph 102.f and any corrective actions or improvements taken or to be taken by Respondent to address the noncompliance. Respondent shall provide a timeline for completion of any corrective actions to be taken. Respondent shall provide the date for any corrective actions already taken.
4. A statement of whether Respondent is applying for, or will apply for, new or modified permits.

5. A statement of whether Respondent is repairing, replacing, upgrading, or installing any equipment as a result of any work undertaken to comply with the Conditions of Settlement, and a written description of any such repair, replacement, upgrade, or installation of equipment.

6. An estimation of the total emission reductions for specific actions taken or improvements made or planned to be made.

7. A certification that Respondent completed all Conditions of Settlement in this CAFO and provided any necessary documentation. Respondent represents that the signing representative will be fully authorized by Respondent to certify that the terms and conditions of this CAFO have been met. The certification should include the following statement:

“I certify under penalty of law that I have examined and am familiar with the information submitted in this document and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fines and imprisonment.”

b. The Letter Report shall be emailed to:

Benjamin Rosenthal  
Rosenthal.Benjamin@epa.gov

105. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraphs 102 through 104 are completed (the “Tolling Period”) shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the “Tolled Claims”). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

106. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 105, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

107. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. See 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

108. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to



execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

109. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

110. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA: Lee.Jamie@epa.gov

To Respondent: Brian.Heim@ipaper.com

111. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 100, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

112. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including

amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at [Chalifoux.Jessica@epa.gov](mailto:Chalifoux.Jessica@epa.gov), within thirty (30) days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within thirty (30) days after the Effective Date, then Respondent, using the same email address identified in the preceding subparagraph, shall further:

i. notify EPA's Cincinnati Finance Center of this fact, via email, within thirty (30) days after the thirty (30) days after the Effective Date of this Order per Section H of this CAFO; and

ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

**G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER**

113. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

114. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraphs 102 through 104 (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the conditions in Paragraphs 102 through 104, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

115. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

116. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraphs 102 through 104 is restitution, remediation, or required to come into compliance with the law.

117. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

118. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

119. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 per day of violation, or both, as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

120. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

121. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

#### **H. EFFECTIVE DATE**

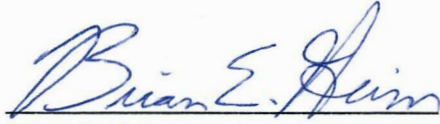
122. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall

become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of International Paper Company, Docket No. CAA-06-2025-3306, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Date: 2/20/25



Brian E. Heim  
General Counsel  
HSE & Sustainability  
International Paper Company  
401 Ave U, Bogalusa, Louisiana 70427

FOR COMPLAINANT:

Date: February 20, 2025

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Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6

**FILED**

**24 FEB 25 AM 10:20**

**REGIONAL HEARING CLERK  
EPA REGION 6**

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

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|                             |   |                             |
|-----------------------------|---|-----------------------------|
| IN THE MATTER OF:           | ( | DOCKET NO. CAA-06-2025-3306 |
|                             | ( |                             |
| International Paper Company | ( |                             |
| Bogalusa, Louisiana         | ( |                             |
|                             | ( |                             |
|                             | ( |                             |
|                             | ( |                             |
|                             | ( |                             |
| RESPONDENT                  | ( |                             |
|                             | ( |                             |

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**FINAL ORDER**

Pursuant to Section 113(d) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

International Paper Company is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated \_\_\_\_\_

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Thomas Rucki  
Regional Judicial Officer  
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to Complainant – READ RECEIPT REQUESTED

Lee.Jamie@epa.gov

Copy via Email to Respondent – READ RECEIPT REQUESTED

Brian.Heim@ipaper.com  
Brian E. Heim  
International Paper Company  
1740 International Place, Tower IV, 9th Floor  
Memphis, TN 38197

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Signed  
Lorena Vaughn  
Regional Hearing Clerk  
Office of Regional Counsel  
U.S. EPA, Region 6