



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUL 17 2006

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Kurt Chamberlain, Plant Manager  
Louisiana Pacific Corporation  
7299 N. County Road 403  
P.O. Box 80  
Newberry, Michigan 49868

Re: Finding of Violation  
Newberry Plant  
Newberry, Michigan

Dear Mr. Chamberlain:

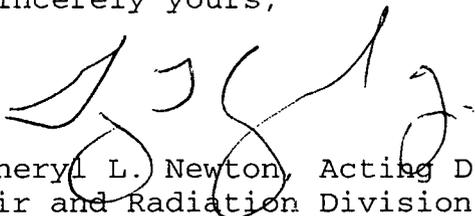
The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Louisiana Pacific Corporation (LP, you). We find that you are violating Section 502 of the Clean Air Act, 42 U.S.C. § 7661a, at your Newberry, Michigan facility.

We have several enforcement options under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Farro Assadi. You may call him at (312) 886-1424 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



FOR

Cheryl L. Newton, Acting Director  
Air and Radiation Division

Enclosure

cc:

Jane Woolums, ORC  
Thomas Hess, DEQ  
Brian Brady, DEQ

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF: )  
)  
Louisiana Pacific ) FINDING OF VIOLATION  
Corporation. )  
Newberry, Michigan ) EPA-5-06-MI-09  
)  
)  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )

**FINDING OF VIOLATION**

The United States Environmental Protection Agency (U.S. EPA) finds that Louisiana Pacific Corporation, (LP) has violated Section 502 of the Clean Air Act, 42 U.S.C. § 7661a. Specifically, LP has violated its Title V Permit issued by the State of Michigan, as stated below:

**Regulatory Authority**

1. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
2. U.S. EPA granted final interim approval to the Michigan Title V operating permit program on January 10, 1997. 62 Fed. Reg. 1387. The program became effective on February 10, 1997. The Michigan Title V program was granted final full approval by U.S. EPA, effective November 30, 2001. 66 Fed. Reg. 62949. See 40 C.F.R. Part 70, Appendix A.
3. 40 C.F.R. § 70.1(b) provides that all sources subject to the regulations at Part 70 shall have a permit to operate that assures compliance by the source with all applicable requirements.

4. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.

### **Factual Background**

5. LP owns and operates two Konus thermal oil heaters at its oriented strandboard plant located at 7299 North County Road 403, Newberry, Michigan.

6. LP's Newberry facility is a major source of criteria air pollutants and therefore is subject to 40 C.F.R. Part 70, State Operating Permit Programs.

7. On June 22, 1999, the Michigan Department of Environmental Quality (MDEQ) issued the Renewable Operation Permit (ROP) #199600017 to LP. The renewal of the ROP was issued on April 25 2005 with permit number MI-ROP-N0780-2005. Both the original ROP and the renewed ROP limit PM-10 emissions from the Konus oil heaters to 0.081 pounds per 1,000 pounds of exhaust gases, at 50% excess air.

8. General Condition #23 of the ROP states that, semiannually for the term of the ROP, the permittee shall submit certified reports of any required monitoring to the appropriate District Office of the Air Quality District, and all instances of deviations from ROP requirements during the reporting period shall be clearly identified in the reports.

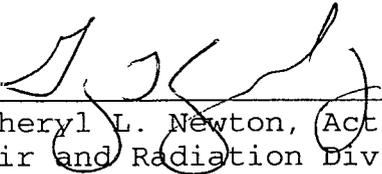
### **Violations**

9. Results of the Konus oil heater stack tests conducted during November 2-3, 2004 showed PM-10 exhaust concentration of 0.183 pounds per 1000 pounds of exhaust gases, exceeding the ROP limit of 0.081 pounds per thousand pounds of exhaust gases at 50% excess air.

10. On January 17, 2005, LP submitted its semiannual report to MDEQ certifying that no deviations occurred during the period of July 1, 2004 to December 31, 2004.

11. LP's operation in violation of its Title V permit limitations and its failure to report the deviations in its semiannual report constitute violations of Section 502 of the Act and of 40 C.F.R. § 70.7(b).

7/17/06  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-06-MI-09, by Certified Mail, Return Receipt Requested, to:

Kurt Chamberlain, Plant Manager  
Louisiana Pacific Corporation  
7299 N. County Road 403  
P.O. Box 80  
Newberry, Michigan 49868

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Mr. Thomas Hess, Enforcement Unit Chief  
Michigan Department of Environmental Quality  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909-7760

And,

Mr. Brian Brady, Supervisor  
Upper Peninsula District Office  
420 5<sup>th</sup> Street  
Gwinn, Michigan 49841

on the 18<sup>th</sup> day of July, 2006.

Shanee Rucker  
Shanee Rucker, Secretary  
AECAS, MI/WI Section

CERTIFIED MAIL RECEIPT NUMBER: 70010320000614550716