

in emissions of a regulated pollutant and if the source is located in an area which has achieved the National Ambient Air Quality Standards (NAAQS) for that pollutant. Part C and its implementing regulations further require that a source subject to PSD regulations install BACT.

2. A major stationary source is defined at 40 C.F.R. § 52.21(b)(1)(i)(b) to include stationary sources of air pollutants which emit, or have the potential to emit, 250 tons per year or more of any pollutant subject to regulation under the Act.
3. 40 C.F.R. § 52.21(b)(3)(i) defines "net emissions increase" as "the amount by which the sum of the following exceeds zero:
 - (a) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and
 - (b) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable."
4. "Actual emissions" are defined at 40 C.F.R. § 52.21(b)(21). In general, actual emissions as of a particular date equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. Actual emissions are calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the time period.
5. 40 C.F.R. § 52.21(b)(21)(iii) allows the Administrator to presume that source specific allowable emissions for a unit are equivalent to the actual emissions of the unit.
6. The PSD regulations were incorporated by reference into the Wisconsin SIP on August 7, 1980. 40 C.F.R. § 52.2581 (1997) (45 Fed. Reg. 52741).
7. The SIP provisions identified in this Notice are federally enforceable pursuant to Sections 110 and 113 of the Act, 42 U.S.C. §§ 7410 and 7413.

Factual Background

8. Stora Enso owns and operates a Pulp and Paper Mill at 1101 Mill Street, Niagara, Wisconsin.
9. The Niagara Mill, consists of, in part, two boilers numbered B21 and B22, and two paper machine complexes numbered PM43, and PM44.
10. The Niagara Mill is located in an area that is classified as attainment for all criteria pollutants.
11. The Niagara Mill emits greater than 250 tons per year of nitrogen oxides, sulfur dioxide, and carbon monoxide, and is a major stationary source under the Act.

Violations

Paper Machine Complexes PM43 and PM44

12. Between at least 1997 and present, Stora Enso "modified" the Niagara Mill's Paper Machine Complexes PM43 and PM44 as defined at 40 C.F.R. § 52.21(b) to increase production capacity. The modifications for PM43 included, but are not limited to: vacuum pump upgrade - phase II, spoiler bars, vacuum piping modifications, reel replacement, pocket ventilation system, coating filter replacement, coating blend back, base sheet trim slitters, hi-velocity team coals replacement, first press suction roll, supercalenders, first coater sump and pump, machine chest pump, granite roll, dryers, clothing shower oscillators, clearwell pump, sheet run relocation, cd coat weight control, winder rebuild, coater spreader rolls, paper machine gear failure repairs, DED siphons, paper machine drive modification, press roll shell, and rope pullout system. The modifications for PM 44 included, but are not limited to: dryer lube system, press doctor, rebuild 4th dryer section gearing, rebuild 3rd dryer section gearing, fourdrinier frame rebuild, 2nd section unorun, spoiler bars, applicator roll upgrade, thick stock screening, winder rebuild, unorun blow box showers, wire shower oscillator, dry end pulper repairs, tertiary cleaner/5th stage cleaners, WED dryer hood roof replacement, shower water heat exchanger replacement, new lube system on 1st WED, granite roll doctor brackets, applicator roll and return plate modification, clothing shower/wire couch doctor, wet end dryer modifications, 2nd wet end dryer gearing, fan pump transformer upgrade, increase suction box length, replace 44 and 45 dryer siphons with stationary

siphons, wet end dryer fan replacement, and flatbox vacuum pump motor upgrade.

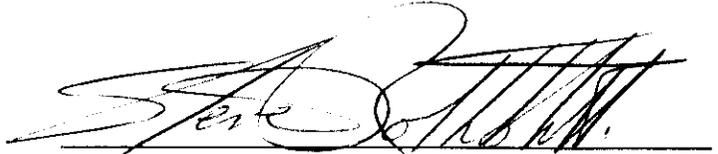
13. These modifications together have increased the production capacity and have resulted in a "significant net increase" in VOC emissions of 138.87 tons/year as defined at 40 C.F.R. § 52.21(b)(3).
14. Therefore, Stora Enso's has violated and continues to violate 40 C.F.R. § 52.21 and the Wisconsin State Implementation Plan by beginning actual construction without first obtaining a PSD permit.
15. Each of the violations continued from the start of construction of the modification and will continue until Stora Enso obtains the appropriate PSD permits and installs BACT.

Boilers B21 and B22

16. Between at least 1997 and present, Stora Enso "modified" the Niagara Mill's boilers B21 and B22 as defined at 40 C.F.R. § 52.21(b) to increase their capacity while firing only coal. The modifications included, but are not limited to: replacing the coal piping and burners for boiler B21; replacing the pulverizer, coal piping, and burners for boiler B22; and for both boilers, new combustion controls, feed pumps, and new ignitors.
17. In 1995 and 1996, boilers B21 and B22 combined had actual emissions of 841 tons/year of sulfur dioxide, and 337 tons/year of nitrogen oxides as defined by 40 C.F.R. § 52.21(b)(21).
18. In 1999, boilers B21 and B22 combined actually emitted 1083 tons/year of sulfur dioxide and 396 tons/year of nitrogen oxides. These modifications have increased the capacity of the boilers to fire coal, and have resulted in "significant net increases" in sulfur dioxide, and nitrogen oxide emissions as defined at 40 C.F.R. § 52.21(b)(3).
19. Therefore, Stora Enso has violated and continues to violate 40 C.F.R. § 52.21 and the Wisconsin SIP by beginning actual construction on boilers B21 and B22 without first obtaining a PSD permit.

20. Each of the violations continued from the start of construction of the modification and will continue until Stora Enso obtains the appropriate PSD permits and installs BACT.

July 11, 2002
Date



Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation,
No. EPA-5-02-WI-06, by Certified Mail, Return Receipt Requested,
to:

Greg P. Maule, Mill Manager
Stora Enso North America Corp.
Niagara Mill
1101 Mill Street
Niagara, Wisconsin 54151

I also certify that I sent copies of the Notice of Violation
by first class mail to:

Lloyd Eagan, Director
Bureau of Air Management
101 S. Webster Street (AM/7)
Madison, Wisconsin 53707

on the 15th day of July, 2002.


Shanee Rucker, Secretary
AECAS, (MI/WI)
(312) 886-6086

CERTIFIED MAIL RECEIPT NUMBER: 17001 0320 0000 0201 7214