

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:** )  
 )  
Georgia-Pacific Corporation ) **FINDING OF VIOLATION**  
1919 South Broadway )  
Green Bay, WI 54307-9130 ) **EPA-5-04-WI-01**  
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 )  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )

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**FINDING OF VIOLATION**

The United States Environmental Protection Agency (U.S. EPA) finds that Georgia-Pacific Corporation (Georgia-Pacific) has violated Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e). Specifically, Georgia-Pacific has violated the Standards of Performance for Fossil-Fuel-Fired Steam Generators at 40 C.F.R. Part 60, Subpart D as follows:

**Statutory and Regulatory Authority**

1. In accordance with Section 111 of the Act, U.S. EPA promulgated New Source Performance Standards for Fossil-Fuel-Fired Steam Generators. These rules are codified at 40 C.F.R. Part 60, Subpart D, §§ 60.40 -60.46, and published in the Federal Register on December 23, 1971.
2. 40 C.F.R. Part 60, Subpart D applies to Fossil-Fuel-Fired Steam Generators of more than 250 million BTU per hour heat input rate for which construction is commenced after August 17, 1971.
3. 40 C.F.R. §§ 60.1-60.19 (General Provisions) applies to the owner or operator of any stationary source that contains an affected facility under 40 C.F.R. Part 60, Standards of Performance for New Stationary Sources (NSPS).
4. 40 C.F.R. §60.8 provides that, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after the initial startup of such facility, the owner or operator of such facility must conduct a performance test and furnish

the administrator a written report of the results of such performance test.

5. No owner or operator subject to the provisions of 40 C.F.R. Subpart D shall cause to be discharged into the atmosphere gases which contain particulate matter in excess of 0.1 lb per million BTU. 40 C.F.R. § 60.42(a)(1).
6. No owner or operator subject to the provisions of 40 C.F.R. Subpart D shall cause to be discharged into the atmosphere gases which contain sulfur dioxide in excess of 1.2 lb per million BTU derived from solid fossil fuel. 40 C.F.R. § 60.43(a)(2).

#### **Statement of Facts**

7. Georgia-Pacific owns and operates a paper mill located in Green Bay, Brown County, Wisconsin at which it produces paper products.
8. One of Georgia-Pacific's boilers, Boiler 8, commenced construction in 1977 and had a heat input rate of 410 million BTU/Hr as constructed.
9. On, or around, September 17, 1996, as part of a consent decree with U.S. EPA that was entered in United States District Court, Eastern District of Wisconsin, on May 28, 1996, an attempt was made to limit Boiler 8's heat input rate to 235 MMBTU/Hr.
10. Georgia-Pacific records the amount of coal that is fed to Boiler 8 on a daily basis. These daily values are summed for the purposes of reporting the amount of coal used each month, as is required by Georgia-Pacific's operating permit number 405032870-P01.
11. Georgia-Pacific receives the heat content (BTU per unit of mass) of the coal from the coal vendor for each shipment received as is required by Georgia-Pacific's operating permit number 405032870-P01. Georgia-Pacific also performs heat content analysis of the coal for quality control purposes and on random grab samples.
12. The daily average hourly heat input to Boiler 8 can be calculated by multiplying the amount of coal used in one twenty-four hour period by the associated heat content of the coal and dividing by twenty-four.

13. Emissions data submitted on April 10, 2003 to U.S. EPA in response to an Information Request, and continuous emission monitoring results reveal emissions of sulfur dioxide from October 5, 1999, to August 30, 2003, ranging from 1.4 to 3.3 lb per million BTU.
14. Emissions data submitted on April 10, 2003, to U.S. EPA in response to an Information Request, and results of stack testing performed August 27-28, 2002, revealed emissions of particulate matter for the year 2002 up to August 30, 2003 of 1.1 lb per million BTU.
15. On 137 occasions, from October 5, 1999 to August 30, 2003, the heat input to Boiler 8 exceeded 250 million BTU per hour while the sulfur dioxide emissions exceeded 1.2 lb per million BTU.
16. On 17 occasions, from January 1, 2002 to August 30, 2003, the heat input to Boiler 8 exceeded 250 million BTU per hour while the particulate matter emissions exceeded 0.1 lb per million BTU.

#### Violations

17. In violation of 40 C.F.R. §§60.7(a), which provides that any owner or operator subject to 40 C.F.R. Subpart D shall provide written notification to the Administrator.
18. In violation of 40 C.F.R. §60.8, which provides that, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after the initial startup of such facility, the owner or operator of such facility must conduct a performance test and furnish the Administrator a written report of the results of such performance test.
19. In violation of 40 C.F.R. § 60.42(a)(1), which provides that no owner or operator subject to the provisions of 40 C.F.R. Subpart D shall cause to be discharged into the atmosphere gases which contain particulate matter in excess of 0.1 lb per million BTU.
20. In violation of 40 C.F.R. § 60.43(a)(2), which provides that no owner or operator subject to the provisions of 40 C.F.R. Subpart D shall cause to be discharged into the atmosphere gases which contain sulfur dioxide in excess of 1.2 lb per million BTU derived from solid fossil fuel.

**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that Georgia-Pacific has violated Section 608 of the Clean Air Act (Act), 42 U.S.C. § 7671g. Specifically, Georgia-Pacific has violated the Protection of Stratospheric Ozone Standards at 40 C.F.R. Part 82, Subpart F, Recycling and Emissions Reduction, as follows:

**Statutory and Regulatory Authority**

1. The Stratospheric Ozone Standards, Subpart F, apply to any person servicing, maintaining, repairing, or owning appliances, as those terms are defined at 40 C.F.R. § 82.152.
2. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.152, define "industrial process refrigeration" as complex customized appliances used in ... manufacturing industries. These appliances are directly linked to the industrial process."
3. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156 (i)(5), require that an owner or operator of appliances normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 15 percent during a twelve month period.
4. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(2), require that an owner or operator of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period.
5. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that an owner or operator of industrial process refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(2) within 30 days after discovery of the leak.

6. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct an initial verification test at the conclusion of the repair efforts.
7. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct a follow-up verification test within 30 days after the initial verification test.
8. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(6), state that a one-year retrofit and retirement plan must be developed within 30 days of a failed follow-up verification test. The plan must be kept at the site of the appliance.
9. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(ii), require that an owner or operator must retrofit or replace industrial process refrigeration equipment within one year of a failed follow-up verification test.
10. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(iii), require that an owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify U.S. EPA within 30 days of the failed follow-up verification test.

#### **Statement of Facts**

11. One industrial process refrigeration unit, serial number 99HDX2133, and one appliance, number 49-3-3, use or did use the class II refrigerant HCFC-22, or R-22.
12. Appliance 49-3-3 experienced leaks during the time period between April 10, 2001 and July 23, 2001 that resulted in an annual leak rate exceeding 15 percent.
13. Repairs performed on July 25, 2001, July 26, 2001, and August 10, 2001, did not result in the annual leak rate of appliance 49-3-3 being returned to below 15 percent.
14. Georgia-Pacific did not develop retrofit or retirement plans for appliance 49-3-3 when repairs performed, if any, were unable to bring the leak rate to below 15 percent.

15. Industrial process refrigeration unit 99HDX2133 experienced leaks during the time between September 11, 2000 and February 1, 2001 that resulted in an annual leak rate exceeding 35 percent.
16. Initial verification tests, if any, within the next thirty days failed to verify that the leak rate of the industrial process refrigeration unit 99HDX2133 was below 35 percent.
17. Follow-up verification tests, if any, made within the next thirty days failed to verify that the repairs performed in conjunction with the tests had brought the leak rate of the industrial process refrigeration unit 99HDX2133 to below 35 percent.
18. Georgia-Pacific did not develop retrofit or retirement plans for industrial process refrigeration unit 99HDX2133 when repairs performed, if any, were unable to bring the leak rate to below 35 percent.
19. Georgia-Pacific did not retrofit or retire industrial process refrigeration unit 99HDX2133 when repairs performed, if any, on the following days were unable to bring the leak rate to below 35 percent.
20. Georgia-Pacific did not notify the U.S. EPA after failed follow-up verification tests performed, if any, showed that repairs had failed to bring the leak rates of industrial process refrigeration unit 99HDX2133 listed to below 35 percent.

#### Violations

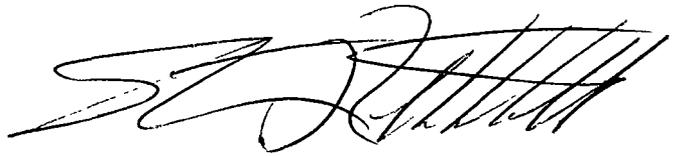
21. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(2) requires Georgia-Pacific to have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period. Georgia-Pacific is in violation of 40 C.F.R. § 82.156(i)(2) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to repair leaking appliances such that the annual leak rate is brought below 35 percent.

22. As owner of an appliance normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(5) requires Georgia-Pacific to have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 15 percent during a twelve month period. Georgia-Pacific is in violation of 40 C.F.R. § 82.156(i)(5) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to repair a leaking appliance such that the annual leak rate is brought below 15 percent.
23. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3) requires Georgia-Pacific to perform an initial verification test to ensure that repairs have been successful. Georgia-Pacific is in violation of 40 C.F.R. § 82.156(i)(3) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to properly conduct the initial verification test.
24. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3) requires Georgia-Pacific to perform a follow-up verification test to ensure that repairs have been successful. Georgia-Pacific is in violation of 40 C.F.R. § 82.156(i)(3) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to properly conduct the follow-up verification test.
25. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(6) requires Georgia-Pacific to develop a one-year retrofit and retirement plan for leaking refrigeration units within thirty days of a failed follow-up verification test. Georgia-Pacific is in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to develop a one-year retrofit and retirement plan for leaking refrigeration equipment following a failed follow-up verification test.
26. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3)(ii) requires Georgia-Pacific to retrofit or retire a leaking refrigeration unit within one year of a failed follow-up verification test. Georgia-Pacific is in violation of 40 C.F.R. § 82.156(i)(3)(ii) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to

retrofit or retire leaking refrigeration equipment following a failed follow-up verification test.

27. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3)(iii) requires Georgia-Pacific to notify the U.S. EPA within 30 days of a failed follow-up verification test. Georgia-Pacific is in violation of 40 C.F.R. § 82.156(i)(3)(iii) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to notify the U.S. EPA of failed follow-up verification tests.

12/4/2003  
Date



Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-04-WI-01, by Certified Mail, Return Receipt Requested, to:

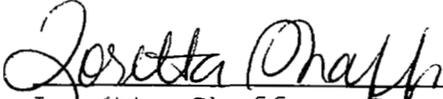
Russel D. McCollister  
Vice President and Mill Manager  
Georgia-Pacific Corporation  
1919 South Broadway  
Green Bay, WI 54307-9130

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

Bill Bauman  
Wisconsin Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921 (AM/7)  
Madison, WI 53707

Rick Wulk  
Wisconsin Department of Natural Resources  
Northeast Region  
1125 North Military Avenue - Box 10448  
Green Bay, WI 54307

on the 7<sup>th</sup> day of December, 2003.

  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 1467 0991