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STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL COMMISSION

In the matter of administrative proceedings involving S. D. WARREN COMPANY, a division of Scott Paper Company, a corporation organized under the laws of the State of Pennsylvania, concerning sulfur dioxide emissions from fossil fuel-burning operations in the City of Muskegon, County of Muskegon, State of Michigan.	APC No. 09-1979

STIPULATION FOR ENTRY OF CONSENT ORDER
AND
FINAL ORDER

This proceeding resulted from a request by the S. D. Warren Company (hereinafter referred to as the "Company") to the Michigan Air Pollution Control Commission (hereinafter "Commission") for an extension of the time by which emissions of sulfur dioxide from its kraft mill operation (hereinafter "Power Boilers") located in the City of Muskegon, County of Muskegon, State of Michigan, must be reduced to the levels prescribed in Tables 3 and 4 of Commission Rule 336.49 (1973 AACS 6660-6661). This request was made pursuant to Commission Rule 336.49 and Commission Rules 336.141 through 147. The Commission and the Company hereby agree to the termination of this proceeding by entry of this Final Order by consent.

The Company and the Commission stipulate and agree as follows:

1. The Company and the Commission stipulate that the termination of this matter by a Final Order to be entered as a Consent Order is proper and acceptable.

2. The Commission and the Company acknowledge that certain sulfur dioxide emission limits set forth in Tables 3 and 4 of Rule 336.49, Administrative Code, 1973 AACS, became effective on July 1, 1975, and July 1, 1978, and that subrules (1) and (2) of Rule 336.49 allow extensions of the dates for compliance with these limits.

3. The Commission and the Company also acknowledge that Administrative Code, Rules 336.141 through 336.147, which became effective January 14, 1978, provide a method whereby an applicant may receive an extension of the compliance date for Rule 336.49 past January 1, 1980. Further, it is the finding of the Commission that this Company does qualify for an extension (subject to the requirements set forth in this Order) until November 1, 1984, according to the provisions of the aforementioned Rules 336.141 through 336.147.

4. It is the express finding of the Commission from evidence submitted by the Company and by the Staff of the Commission that:

(a) The Company has made a reasonable effort to comply with the requirements of performance contracts previously executed with the Commission and with orders issued by the Commission.

(b) Fuel burning at the Power Boilers, if conducted in conformance with the provisions of this Order, will not interfere with the attainment or maintenance of the national ambient air quality standards for any pollutant (40 C.F.R., Part 50 (1977)).

(c) Compliance by the Company with the emission limitations of Commission Rule 336.49 prior to November 1, 1984, is unreasonable because the cost of such compliance is unreasonably disproportionate to the benefits to be obtained thereby.

(d) Emissions from the Power Boilers are discharged through a stack that is of adequate design and construction to provide satisfactory dispersion of pollutants and prevent downwash conditions.

5. The Commission and the Company hereby agree to the following program and time schedule for the control of sulfur dioxide emissions from the Power Boilers:

A. SULFUR DIOXIDE EMISSION LIMITATIONS:

(1) Beginning on November 1, 1979, and continuing to December 31, 1981, emissions of sulfur dioxide from the Power Boilers shall not exceed levels equivlent to:

(a) On an annual average 1.8 percent sulfur content by weight at 12,000 Btu/pound of coal.

(b) On a daily average 2.8 percent sulfur content by weight at 12,000 Btu/pound of coal.

(2) Beginning December 31, 1981, and continuing to November 1, 1984, emissions of sulfur dioxide from the Power Boilers shall not exceed levels equivalent to:

(a) On an annual average 1.7 percent sulfur content by weight at 12,000 Btu/pound of coal.

(b) On a daily average 2.6 percent sulfur content by weight at 12,000 Btu/pound of coal.

(3) After November 1, 1984, emissions of sulfur dioxide from the Power Boilers shall not exceed the levels prescribed in Tables 3 and 4 of Rule 336.49, unless an alternate date for compliance with the levels is established by the Commission and approved as a revision to the State Implementation Plan.

B. SULFUR DIOXIDE CONTROL PROGRAM:

(1) By January 1, 1980, the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with Section A(2) of this Order.

(2) If the Company elects to burn low sulfur coal as the method of control, the Company shall by July 1, 1981, and by each July 1 for the following two (2) years:

(a) Notify the Commission that it has under contract or contract option the low sulfur coal necessary to meet the requirements of Section A(2) of this Order; or

(b) Notify the Commission, with acceptable explanation, that adequate quantities of low sulfur coal are available for acquisition for use in the Power Boilers by November 1, 1984.

(3) If low sulfur coal is chosen as the method of control, the Company shall notify the Commission of the signing of any contracts for such coal within thirty (30) days of their signing.

(4) If the Company elects a control strategy other than low sulfur coal burning, a report on the method of control (including increments of progress), shall be provided to the Commission by January 1, 1980. If a control strategy other than low sulfur coal burning is submitted, it is the intent of the Company and the Commission to incorporate the elements of the control strategy into either a new or amended order.

(5) By January 1, 1981, and by each January 1 for the following three (3) years, the Company shall submit to the Commission a report of the Company's progress toward complying with the

order. Any developments which would preclude compliance with any provision of this Order shall be immediately reported in writing to the Commission.

C. MONITORING AND DATA REPORTING:

(1) The Company shall operate two (2) ambient sulfur dioxide monitors around the Power Boilers in such manner and at such locations as reasonably specified by the Chief of the Air Quality Division of the Department of Natural Resources (hereinafter "Staff").

(2) The Company shall perform a sulfur analysis of fuel burned in the Power Boilers in accordance with the procedures specified in Appendix A.

(3) The Company shall by June 1, 1980, install and place in operation stack gas emission monitor(s) for measuring sulfur dioxide that meets the performance specifications of Appendix B of 40 C.F.R. Part 60 (1977).

(4) The Company shall demonstrate the adequacy of the stack gas sulfur dioxide monitor(s) in accordance with the procedures specified in of 40 C.F.R. Part 60 (1977).

(5) The Company shall report to the Staff sulfur dioxide emissions in terms of pounds of sulfur dioxide per million Btu heat input in accordance with the procedures specified in Appendix B of 40 C.F.R. Part 60 (1977).

(6) The Company shall submit to the Staff data from the aforementioned ambient air quality monitors, stack gas monitor(s) and fuel sulfur analysis in such format and at such intervals as reasonably specified.

(7) During 1980 and at approximately 18-month intervals thereafter, the Company shall conduct periodic particulate emission tests for each of the Power Boilers. The tests shall be conducted in accordance with Commission approved procedures.

(8) The monitoring and reporting requirements specified in or pursuant to subsections C(1) through (8) shall be, upon request of the Company, reviewed by the Commission and modified if the Commission finds such modifications are justified.

6. The Commission may modify or revoke this Order granting extension of the dates for compliance with Tables 3 and 4 if the Commission determines that:

(a) The reasons that provided the basis for making the findings stated in Paragraph 4 of this Order no longer exist.

(b) The Company has not adequately complied with the terms, conditions, and requirements of this Order, including but not limited to monitoring, reporting, and fuel specifications.

(c) The public health, safety, or welfare may be adversely affected by a continuance of compliance extension.

(d) Reductions in the sulfur dioxide emissions from the Power Boilers would allow location of a new source or modification of an existing source, and without the reduction the new source or modification of an existing source could not be permitted. However, such reductions shall not be greater than that necessary to permit the location of the new source or the modification to the existing source, and such reductions shall not be more stringent than the requirements of Tables 3 and 4 of Rule 336.49.

(e) The original data submitted by the applicant on the application requesting an extension is materially inaccurate.

(f) Federal law or rules would prohibit or make unlawful further extension.

(g) The Company has demonstrated that a modification or revocation of the Order is justified. Agreement to and entry of this Order does not prejudice the right of the Company to petition the Commission for modification or revocation of the Order.

(h) The U.S. Environmental Protection Agency has disapproved this Order as a revision to the Michigan State Implementation Plan. If the Company has appealed that disapproval, the Commission shall consider the merits of that appeal in determining whether to take action under this subsection.

7. The Chief of the Air Quality Division agrees that after this Order is approved by the Commission, the Order (and all supporting information thereafter requested by the U.S. Environmental Protection Agency (EPA)) shall be promptly transmitted to EPA for approval of the Order as a revision to the Michigan State Implementation Plan.

8. The Company and the Commission agree that this Consent Order shall rescind and supersede Consent Order No. 10-1978 upon its approval by the U.S. Environmental Protection Agency as a revision to the Michigan State Implementation Plan.

9. The Commission and Staff do not regard this Order as a variance subject to the 12-month limitation specified in Section 22 of the Air Pollution Act, being MCLA 336.32. Approval of this Order is not a major state action for purposes of further environmental review pursuant to Executive Order 1974-4.

10. The Commission and the Company both acknowledge that a public hearing on this Order was held on September 18, 1979. The Commission, Staff, and Company consent to enforcement of this Order in the same manner and by the same procedures as for all final orders entered pursuant to Section 16 of 1972 PA 257, MCLA 336.26, including enforcement pursuant to 1970 PA 127, MCLA 691.1201 et. seq.; MSA 14.528(201) et. seq.

Approved:

S. D. WARREN COMPANY

Dated: October 10, 1979

Approved as to Content:

Delbert Rector, Chief
AIR QUALITY DIVISION
DEPARTMENT OF NATURAL RESOURCES

Dated: October 24, 1979

Approved as to Form:

Assistant Attorney General
DEPARTMENT OF ATTORNEY GENERAL

Dated: October 23, 1979

FINAL ORDER

Having had opportunity to review the above stated Stipulation for Entry of Consent Order, the Commission accepts it and orders it entered in the record of the Commission.

MICHIGAN AIR POLLUTION CONTROL COMMISSION

By: _____
Maurice S. Reizen, M.D.
Chairman

Dated: 10/31/79

APPENDIX A

Fuel Analysis Procedures

1. Compositing and Analysis

   A composite of coal samples will be made which is representative of the boatload quantities delivered to the Company dock. These composite samples will be analyzed for a minimum of sulfur and heat content (Btu) according to ASTM Procedures D-3177-75 and D-2015-77 or their respective successors.

2. Daily Fuel Analysis

   a. In the event the stack gas sulfur dioxide monitor(s) has been inoperative for a period of 12 consecutive hours, a minimum of two equally spaced grab samples of the coal burned at the Company shall be taken during each eight hour work shift. This sampling procedure shall continue until the monitor has operated acceptably for a period of 12 consecutive hours.

   b. A composite coal sample shall be prepared from the grab samples according to ASTM or equivalent methods for each calendar day that the daily fuel analysis is required.

   c. The composite coal sample shall be analyzed for sulfur and heat (Btu) content according to ASTM or equivalent methods approved by the Chief of the Air Quality Division.