



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

JUL 31 2009

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joe Michaud, Vice President
Wisconsin Paperboard Corporation
1514 E. Thomas Avenue
Milwaukee, Wisconsin 53211

Re: Finding of Violation

Dear Mr. Michaud:

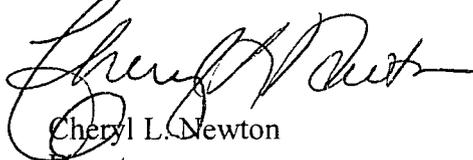
The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Wisconsin Paperboard Corporation (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. §7413(a)(3). We find that you have violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) at your Milwaukee, Wisconsin facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any 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 contact in this matter is Mr. 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,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cheryl L. Newton
Director
Air and Radiation Division

cc: William Baumann, Chief
Compliance and Enforcement Section
Wisconsin Department of Natural Resources

Dan Schramm, Supervisor
Wisconsin Department of Natural Resources
Southeast Region

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Wisconsin Paperboard Corporation.)	FINDING OF VIOLATION
Milwaukee, Wisconsin)	
)	EPA-5-09-WI-11
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. 7401 <u>et seq.</u>)	
)	

FINDING OF VIOLATION

Wisconsin Paperboard Corporation (WPC or you) operates the facility at 1514 E. Thomas Avenue in Milwaukee, Wisconsin. The U. S. Environmental Protection Agency is sending this Finding of Violation (FOV) to you for violations of the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the Clean Air Act (the ACT). A list and explanation of the violated requirements is provided below.

Section 113 of the Act, 42 U.S.C. § 7413, provides you with the opportunity to request a conference with us to discuss the violations identified in this FOV. This conference will provide you a chance to present information on the identified violations, and the steps you will take to prevent future violations. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

The following regulatory background, factual background, and violations are relevant to this FOV:

Regulatory Background

1. On December 4, 2002, in accordance with section 112(d) of the Act, EPA promulgated the NESHAP from Paper and Other Web Coating at 40 C.F.R. Part 63, Subpart JJJJ, §§ 63.3280-63.3420 (Subpart JJJJ).
2. Subpart JJJJ applies to each new and existing facility that is a major source of hazardous air pollutants (HAP), as defined in §63.2, at which web coating lines are operated.
3. A “major source” of HAP emissions is, as defined by 40 C.F.R. § 63.2 (referenced by § 63.3290), as 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 HAP or 25 tons per year or more of any combination of HAP.

4. Pursuant to 40 C.F.R. § 63.3330(a), the owner or operator of an existing affected source (as described at 40 C.F.R. § 63.3310) that commenced construction or reconstruction before September 13, 2000, and that has not undergone reconstruction as defined in §63.2, must achieve compliance with the provisions of Subpart JJJJ on or before December 5, 2005.

5. Subpart JJJJ includes 40 C.F.R. § 63.3400(a) and (b), which state that the owner or operator of an affected source must submit notices to the Administrator in accordance with the applicable notification requirements in 40 C.F.R. § 63.9(b).

6. 40 C.F.R. § 63.9(b)(2), which is specified in Table 2 of Subpart JJJJ, requires that the owner or operator of an affected source that has an initial start-up before the effective date of a relevant standard notify the Administrator in writing that the source is subject to such standard, and provide in that initial notification the information required by § 63.9(b)(2). 40 C.F.R. § 63.3400(b)(1) states that initial notification for existing affected sources must be submitted no later than 1 year before the compliance date specified in §63.3330(a).

7. 40 C.F.R. § 63.3400(c) requires that an affected source must submit semiannual compliance reports for the period beginning on the compliance date that is specified for the affected source in §63.3330, and for every semiannual period thereafter.

8. Pursuant to 40 C.F.R. § 63.9(h), which is specified by 40 C.F.R. § 63.3400(e), when an affected source becomes subject to a relevant standard, the owner or operator shall submit to the Administrator a notification of compliance status providing the information required by § 63.9(h)(2)(i). This notification shall be sent before the close of business on the 60th day following completion of the relevant compliance demonstration activity specified in the relevant standard.

Factual Background

9. WPC operates a recycled paperboard manufacturing facility at 1514 E. Thomas Avenue in Milwaukee, Wisconsin. The facility operates under the Title V permit number 241023640-P10 issued by the Wisconsin Department of Natural Resources.

10. The WPC plant site is a major source of HAP emissions, as the term “major source” is defined by 40 C.F.R. § 63.2.

11. The processes at the Facility include a converting operation where adhesive is applied to paperboard by a laminator. WPC’s facility is a major source of HAP, and therefore this process is subject to the NESHAP at 40 C.F.R. Part 63; Subpart A, General Provisions and Subpart JJJJ, standards for Paper and Other Web Coating processes at, §§ 63.3280 - 63.3420.

Violations

12. WPC is in violation of the regulations set forth at 40 C.F.R. §§ 63.9(b)(2) and 63.3400(b)(1) because WPC failed, on or before December 5, 2004, to submit to the Administrator an initial notification report identifying the affected sources at the WPC plant site which were subject to the Subpart JJJJ regulations. WPC submitted this notification on September 30, 2008.

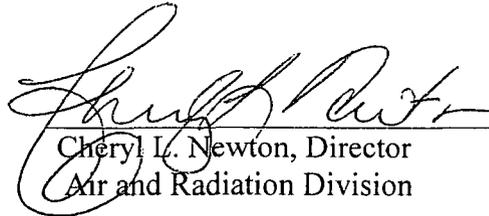
13. WPC is in violation of the regulations set forth at 40 C.F.R. § 63.3400(c) because WPC failed to timely submit the semiannual summary reports required by those regulations. WPC failed to submit a semiannual summary report by July 31, 2006, January 31, 2007, July 31, 2007, January 31, 2008 and July 31, 2008. The reports were submitted on September 30, 2008.

14. WPC is in violation of the regulations set forth at 40 C.F.R. §§ 63.9(h) and 63.3400(e) because WPC failed to timely submit to the Administrator a notification of compliance status for the affected sources at the WPC plant site within 180 days after the compliance date of December 5, 2005. The notification of compliance status was submitted on September 30, 2008.

Impact of Violations

15. Under NESHAP regulations, affected facilities must submit periodic reports to the State and EPA, as appropriate, concerning the extent of their compliance with the requirements of the standards. The reports provide for more efficient implementation of the Standards, improved enforcement, and enhanced allocation of State air program resources. Failing to provide timely reports frustrates those purposes of the regulations.

7/31/09
Date


Cheryl L. Newton, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA- 5-09-WI-11, by

Certified Mail, Return Receipt Requested, to:

Joe Michaud, Vice President
Wisconsin Paperboard Corporation
1514 E. Thomas Avenue
Milwaukee, Wisconsin 53211

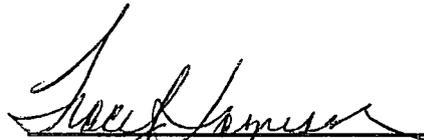
I also certify that I sent copies of the Finding of Violation by first class mail to:

William Baumann, Chief
Compliance and Enforcement Section
Wisconsin Department of Natural Resources
101 S. Webster St.
Madison, Wisconsin 53707-7921

And;

Dan Schramm, Supervisor
Wisconsin Department of Natural Resources
Southeast Region
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

on this 3 day of August, 2009.



Tracy Jamison
Office Automation Clerk
AECAS,(MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0187 6195