

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

96 CV H05- 3988

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY,
ATTORNEY GENERAL OF OHIO
30 East Broad Street
Columbus, Ohio 43266-0410

CASE NO. _____

JUDGE _____

CONSENT ORDER

Plaintiff,

v.

GEORGIA-PACIFIC RESINS, INC.
1975 Watkins Road
Columbus, Ohio 43207

Defendant.

FILED
CLERK OF COURT
96 MAR 30 11:11 AM '96
COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Betty D. Montgomery (hereinafter "Plaintiff") and Defendant Georgia-Pacific Resins, Inc. (hereinafter "GPR") having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I. DEFINITIONS

1. As used in this Order, the following terms are defined as follows:
 - a. "Air contaminant source" or "source" have the same meanings as set forth in ORC §3704.01(C) and OAC Rules 3745-15-01(W) and 3745-35-01(B)(1).
 - b. "Facility" means Defendant GPR's chemical processing and manufacturing facility and all related operations located at 1975 Watkins Road, Columbus, Franklin County, Ohio.
 - c. "OAC" means the Ohio Administrative Code.
 - d. "Ohio EPA" means the Ohio Environmental Protection Agency.
 - f. "ORC" means the Ohio Revised Code.
 - g. "PTO" or "Permit to Operate" means a Permit to Operate issued by the Director of Ohio EPA pursuant to OAC Chapter 3745-35.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant GPR under Chapter 3704 of the Ohio Revised Code, and venue is proper in this Court.

III. PARTIES

3. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest, and any person acting in concert or privity with any of them.

IV. SATISFACTION OF LAWSUIT

4. Plaintiff alleges in its Complaint, *inter alia*, that Defendant GPR has improperly operated a catalytic incinerator associated with its formaldehyde manufacturing operations ("Source P003"). Further, Plaintiff alleges that GPR has also failed to conduct its volatile organic compound ("VOC") leak detection measures in accordance with GPR's own Leak Detection and Maintenance Program, the terms and conditions of a Permit to Operate issued for Source P801, and OAC Rule 3745-21-09(DD). Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant GPR for all violations alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for violations not specifically alleged in the Complaint, including any violations which occur after the filing of this Consent Order.

V. INJUNCTION

A. Compliance With Applicable Regulations, Permits, and Maintenance Programs.

5. Defendant GPR hereby agrees and is immediately and permanently enjoined to comply with the document known as "The Georgia Pacific Corporation Leak Detection and Maintenance Program", dated March 18, 1987, or any Ohio EPA-approved revisions thereto which occur after the date of entry of this Order.

6. Defendant GPR hereby agrees and is immediately and permanently enjoined to comply with the provisions of OAC Rules 3745-21-09(DD) and 3745-21-10(F) as they apply to any air contaminant sources located at the facility.

7. Defendant GPR hereby agrees and is immediately and permanently enjoined to comply with all terms and conditions of any Permits to Operate for Source P801 at the facility.

8. Defendant GPR hereby agrees and is immediately and permanently enjoined to operate the catalytic incinerator associated with Source P003 at the facility in accordance with design specifications and good engineering practices, as required by OAC Rule 3745-21-09(EE)(2)(a).

9. Defendant GPR hereby agrees and is immediately and permanently enjoined to operate the catalytic incinerator associated with Source P003 at the facility in compliance with the terms and conditions of any Permit to Operate issued for such source.

10. Defendant GPR hereby agrees and is immediately and permanently enjoined to comply with the malfunction reporting requirements of OAC Rule 3745-15-06(B) in the event of a malfunction of the catalytic incinerator associated with Source P003.

11. Defendant GPR agrees and is hereby immediately and permanently enjoined to comply with the monitoring and reporting requirements set forth in OAC Rule 3745-21-09(B)(4)(b) and (c) as they relate to the catalytic incinerator associated with Source P003.

B. Installation and Operation of Thermal Incinerator.

12. Defendant GPR agrees and is hereby enjoined and ordered, within two hundred and ten (210) days after the entry of this Order, to install and thereafter operate a thermal incinerator to control all organic compound emissions from Sources P004 through P006 (process kettles), T001, T003, T011 through T022, T024, T025, T027, T028, T030 through T036 (storage tanks), Z005, Z008, Z011, Z012, Z023, and Z024 (weigh tanks) so as to reduce the emission of organic compounds to achieve either a destruction efficiency of at least ninety-eight percent (98%), by weight, or an outlet emission concentration of less than 20 parts per million (ppm), by volume.

C. Thermal Incinerator Performance, Testing, Recordkeeping, and Reporting.

13. Defendant GPR agrees and is hereby enjoined and ordered that the average temperature of the combustion chamber of the thermal incinerator -- for any three (3) hour period of time -- shall not be more than fifty (50) degrees Fahrenheit below the average temperature during the most recent emission test that demonstrates that the sources are in compliance.

14. Defendant GPR agrees and is hereby enjoined and ordered to operate and maintain a continuous temperature monitor and recorder which measures and records the temperature of the combustion chamber of the thermal incinerator when the incinerator is in operation. Units shall be in degrees Fahrenheit. The accuracy for each thermocouple, monitor, and recorder shall be guaranteed by the manufacturer to be within \pm one percent (1%) of the temperature being measured, or \pm five (5) degrees Fahrenheit -- whichever is greater. The temperature monitor and recorder shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals.

15. Defendant GPR agrees and is hereby enjoined and ordered to collect and record the following information each day:

- a. The average temperature of the combustion chamber of the thermal incinerator during each of the eight (8) three (3) hour periods of time during the day; and,
- b. A log or record of operating time for the capture (collection) system, control device, monitoring equipment, and the associated source.

16. Defendant GPR agrees and is hereby enjoined and ordered to submit to Ohio EPA's Central District Office quarterly written reports that:

- a. Identify all three (3) hour periods of time during which the average temperature of the combustion chamber of the thermal incinerator does not comply with the temperature limitation specified in paragraph 13 above;
- b. Explain the probable cause of such deviations; and,

- c. Describe any corrective actions or preventative measures which have been, or will be, taken.

If no deviations occurred during a calendar quarter, a quarterly report shall be submitted which states that no deviations occurred during that quarter. The reports required to be submitted by this paragraph shall be submitted to Ohio EPA's Central District Office by January 31st, April 30th, July 31st, and October 31st of each year, and shall cover the previous calendar quarters.

17. Defendant GPR agrees and is hereby enjoined and ordered to conduct emission testing for Sources P004 through P006, T001, T003, T011 through T022, T024, T025, T027, T028, T030 through T036, Z005, Z008, Z011, Z012, Z023, and Z024 in accordance with the following requirements:

- a. The emission testing shall be conducted within three hundred and ten (310) days after the effective date of this Order.
- b. The emission testing shall be conducted to demonstrate compliance with either the 98% control efficiency limitation, or the 20 ppm concentration limitation for organics.
- c. The test(s) shall be conducted while the sources are operating at or near their maximum capacities, unless otherwise specified or approved by Ohio EPA's Central District Office.
- d. The control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the control system) or concentration limitation shall be determined in accordance with the test methods and procedures specified in OAC Rule 3745-21-10. The test methods and procedures selected shall be based on a consideration of the diversity of the organic species present and their total concentration, and on a consideration of the potential presence of interfering gases.
- e. Not later than thirty (30) days prior to the proposed emission test date(s), GPR shall submit an Intent to Test notification to Ohio EPA's Central District Office. This notification shall describe in detail the proposed test methods and procedures, the source operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior testing may result in Central District Office refusing to accept the results of the emission test(s).

- f. Personnel from Ohio EPA shall be permitted to witness the emissions test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the source and the testing procedures provide a valid characterization of the emissions from the source and/or the performance of the control equipment.
- g. A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests, and shall be submitted to Ohio EPA's Central District Office within thirty (30) days following the completion of the test(s).
- h. In the event that GPR cannot satisfactorily demonstrate compliance with either the 98% control efficiency limitation or the 20 ppm concentration limitation for organic compounds, GPR shall, within thirty (30) days of its failure to demonstrate compliance, initiate procedures pursuant to paragraph 17e of this Order to re-conduct the emission test(s) in order to demonstrate compliance.

18. Defendant GPR agrees and is hereby enjoined and ordered, within ninety (90) days after installation and stack testing of the thermal incinerator, to submit Permit to Operate applications, with updated appendices, for each of the air contaminant sources referenced in paragraph 17 of this Order.

VI. CIVIL PENALTY

19. Defendant GPR shall pay a civil penalty of Eighty-Six Thousand, Two Hundred Fifty Dollars (\$86,250.00). Of that amount, the payment of Sixty-Six Thousand, Two Hundred Fifty Dollars (\$66,250.00) is suspended upon the conditions that:

- GPR complies with the terms of paragraph 12 of this Order -- which paragraph constitutes a supplemental environmental project proposed by GPR in lieu of the payment of this portion of the civil penalty; and,
- Within three hundred and sixty (360) days after the entry of this Order, GPR successfully demonstrates compliance with either the 98% control efficiency limitation or the 20 ppm concentration limitation for organic compounds pursuant to paragraph 17 of this Order.

The remaining penalty in the amount of Twenty Thousand Dollars (\$20,000.00) shall be paid by delivering a certified check to Matthew Sanders, Administrative Assistant (or his successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, payable to the order of "Treasurer, State of Ohio", within 30 days of the entry of this Order.

VII. ENFORCEMENT COSTS

20. Defendant GPR is ordered to pay the enforcement costs of relator Ohio Attorney General expended in pursuing the instant action, totaling One Thousand Dollars (\$1,000), by delivering to Matthew Sanders, Administrative Assistant (or his successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a certified check for that amount, made payable to the order of "Treasurer, State of Ohio", within (30) days after the entry of the Consent Order. Any check submitted in compliance with this section shall be in addition to and separate from any check submitted pursuant to any other section of this Consent Order.

VIII. RETENTION OF JURISDICTION

21. The court will retain jurisdiction of this action for the purpose of enforcing this Consent Order.

IX. COSTS

22. Defendant GPR is hereby ordered to pay the costs of this action.

IT IS SO ORDERED.

ENTERED THIS 30th DAY OF May, 1996.



JUDGE, FRANKLIN COUNTY
COURT OF COMMON PLEAS

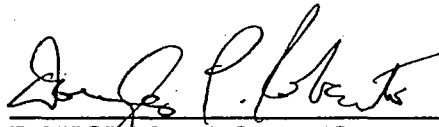
APPROVED:

GEORGIA-PACIFIC RESINS, INC.

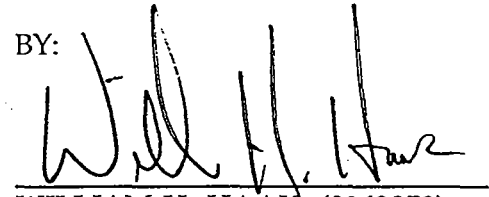
STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

BY:

BY:



DOUGLAS P. ROBERTO




WILLIAM H. HAAK (0063952)

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Attorney for Georgia-Pacific Resins, Inc.

BY:



(Authorized Representative of Georgia-Pacific Resins, Inc.)

TITLE:

VP Chemical Division