



COMMONWEALTH of VIRGINIA

Matthew J. Strickler
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
Blue Ridge Regional Office
901 Russell Drive, Salem, VA, 24153
(540) 562-6700; Fax (540) 562-6725
www.deq.virginia.gov

David K. Paylor
Director

Robert J. Weld
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
GEORGIA-PACIFIC WOOD PRODUCTS LLC
FOR THE
CAMPBELL COUNTY, VA FACILITY
Registration No. 30903**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Georgia-Pacific Wood Products LLC, regarding its facility in Campbell County, Virginia, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, applicable regulations and its permit.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Salem, Virginia.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

5. "Facility" means the Georgia-Pacific Wood Products LLC manufacturing facility, located in Gladys, Campbell County, Virginia.
6. "G-P" means Georgia-Pacific Wood Products LLC, a company authorized to do business in Virginia and its affiliates, partners, and subsidiaries. G-P is a "person" within the meaning of Va. Code § 10.1-1300
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
9. "Permit" means the Title V Operating Permit issued to G-P on February 7, 2017 under the Virginia Air Pollution Control Law and the Regulations.
10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VAC" means the Virginia Administrative Code.
13. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. G-P owns and operates the Facility in Gladys, Campbell County, Virginia.
2. On June 28, 2019, by phone and email, DEQ staff were contacted by G-P staff to report an excess emission event that occurred during startup on June 27, 2019. This particular event had a period of 284-minutes where the electrostatic precipitator ("ESP") was not energized. This event was reported as part of G-P's Excess Emission Report (EER) for the period of January through June 2019).
3. According to the report, on June 27, 2019, the Facility began to startup following a planned maintenance downtime period. During startup of the Wellons Energy System, opacity is generated due to the combustion of fuel and by turning on fans, which disturbs settled ash in the system and suspends it in the airstream. This step is necessary to send heat through the equipment. The Facility's ESP met the required safety permissive (inlet temperature greater than 250 F) that would have allowed it to be energized at 1:44 am, however, it was not energized during a portion of startup from 1:44 am until 6:28 am. Opacity emissions were greater than 10% opacity during this 284-minute period.

4. Condition #5 of the Permit requires G-P to control particulate emissions from the Energy System by multicyclones connected in parallel and followed by an Electrostatic Precipitator (ESP).
5. Condition #162 of the Permit requires G-P that at all times....owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions.
6. On August 27, 2019, the Department issued NOV ABRRO001283 to G-P for the violation listed in paragraphs, C(2) and C(3), above.
7. On September 4, 2019, G-P responded to the NOV and a conference call was held on September 19, 2019 to discuss the NOV. G-P conducted a "root cause analysis" of the failure to energize the ESP and identified inconsistencies in the two standard operating procedures ("SOPs") for start-up of the Wellons Energy System and its reliance on operators and supervisors to recognize the significance of the alarm system. G-P has implemented additional engineering controls and training to avoid future violations.
8. Based on information received by the Department, the Board concludes that G-P violated Conditions #5 and #162 of the Permit, as described in paragraph C(2) and C(3), above.
9. G-P submitted documentation on October 9, 2019 that verifies the violations described in paragraphs C(2) and C(3), above, have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders G-P, and G-P agrees to pay a civil charge of **\$10,900** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

G-P shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, G-P shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of G-P for good cause shown by G-P, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, G-P admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. G-P consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. G-P declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by G-P to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. G-P shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. G-P shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. G-P shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have

occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

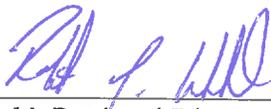
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and G-P.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after G-P has completed all of the requirements of the Order;
 - b. G-P petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to G-P.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve G-P from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by G-P and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of G-P certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind G-P to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of G-P.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, G-P voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 17th day of July, 2020.



Robert J. Weld, Regional Director
Department of Environmental Quality

Georgia-Pacific Wood Products LLC voluntarily agrees to the issuance of this Order.

Date: 7/15/2020 By: Keith Scott

Mr. Keith Scott
Plant Manager
Georgia-Pacific Wood Products LLC

State of Virginia
City/County of Gladys/Campbell

The foregoing document was signed and acknowledged before me this 15 day of July, 2020, by Mr. Keith Scott who is the Plant Manager for Georgia-Pacific Wood Products LLC, on behalf of the company.

Cathy S. Harris

Notary Public

205601

Registration No.

My commission expires: 5/31/2023
Notary seal:

