



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT)
VS.) CONSENT ORDER NO. 1073B
STONE CONNECTICUT PAPERBOARD)
CORPORATION)

A. With the agreement of the Stone Connecticut Paperboard Corporation ("Respondent") the Commissioner of Environmental Protection ("Commissioner") finds the following:

- 1. Respondent owns and operates the facility at 125 Depot Road, Uncasville, Connecticut as described in Order No. 1073A issued July 9, 1990.
2. Order No. 1073A required Respondent to use fuel oil with a maximum sulfur content of 0.49% by dry weight to fire the Riley Union Boiler with a maximum firing capacity of greater than 60 MMbtu/hr, ("boiler"), in compliance with Section 22a-174-24(b) of the Regulations of Connecticut State Agencies ("Regulations").
3. Interruptible natural gas has become available to the Respondent. The Department, has determined natural gas would decrease the sulfur oxides emissions from and would not result in an increase in nitrogen oxides emissions from the boiler, using the reference manual Compilation of Air Pollutant Emission Factors, Volume 1, Stationary Point and Area Sources Fourth Edition, United States Environmental Protection Agency, Supplement A, Tables 1.3-1 and 1.4-1 Uncontrolled Emission Factors for Fuel Oils and Natural Gas ("AP-42").

B. With the agreement of the Respondent, the Commissioner orders as follows:

- 1. No later than the date of issuance of this Consent Order, if Respondent operates the boiler, Respondent shall operate using only interruptible natural gas.
2. During unavoidable interruptions of the Respondent's natural gas supply, Respondent may use fuel oil in the boiler as long as the sulfur content of such fuel oil does not exceed .49% by dry weight.
3. No later than the date of issuance of this Consent Order, Respondent shall comply with the following record-keeping requirements:

- a. Respondent shall record and retain a certification of the sulfur content by weight for each truckload of fuel oil received by the Respondent. Such certification shall be a signed written statement by the vendor of the sulfur content, by weight, of the fuel oil delivered to Respondent.
- b. Respondent shall record and retain the total daily fuel oil and natural gas usage for the boiler.
- c. Respondent shall record and retain the total daily number of hours fuel oil is burned in the boiler.

Respondent shall maintain these records at the facility for inspection by the Commissioner.

4. Nothing in this Consent Order shall relieve Respondent of its obligations under Order No. 1073A.
5. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this Consent Order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Consent Order. Nothing in this paragraph shall excuse noncompliance or delay.
6. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or an agent of the Commissioner.
7. Dates. The date of submission to the Commissioner of any document required by this Consent Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Consent Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this Consent Order, the word "day" as used in this Consent Order means calendar day. Any document

or action which is required by this Consent Order to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed on or before the following business day.

8. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Consent Order or of any document required hereunder, Respondent shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, Respondent shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
9. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by a responsible corporate officer of the Respondent or a duly authorized representative of such officer, as those terms are defined in section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
10. Noncompliance. This Consent Order is nonappealable and immediately enforceable. Failure to comply with this Addendum may subject Respondent to an injunction and penalties under Chapters 439 and 446c of the Connecticut General Statutes.

11. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under Section 22a-175 of the Connecticut General Statutes or, in accordance with Section 22a-6, under Section 53a-157 of the Connecticut General Statutes.
12. Notice of transfer; liability of Respondent and others. Until Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than fifteen days after transferring all or any portion of the operations which are the subject of this Consent Order, the site or the business, or obtaining a new mailing or location address. Respondent's obligations under this Consent Order shall not be affected by the passage of title to any property to any other person or municipality. Any future owner of the site may be subject to the issuance of an order from the Commissioner. The terms of this Addendum shall apply to and be binding upon Respondent's successors and assigns, as provided by law.
13. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law which are willful or criminally negligent or for which penalties have not been specifically provided in this Consent Order, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate pollution.
14. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. No assurance by Commissioner. No provision of this Consent Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this Consent Order will result in compliance or prevent or abate pollution.

16. Access to site. Any representative of the Department of Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
17. No effect on rights of other persons. This Consent Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order.
18. Notice to Commissioner of changes. Within fifteen days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this Consent Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
19. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Elizabeth I. Hotaling
Department of Environmental Protection
Air Management Bureau
165 Capitol Avenue
Hartford, Connecticut 06106

Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind the Respondent to the terms and conditions of the Consent Order.

Stone Connecticut
Paperboard Corporation

BY: Jerry N. Couch
General Manager

Feb. 14, 1992
Date

Issued as a final order of the Commissioner of Environmental
Protection on 2/28, 1992.


Timothy R.E. Keeney
Commissioner

TK/EIH/rt

TOWN OF Uncasville
LAND RECORDS

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Certified Document No.