



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT)
VS.)
KIMBERLY-CLARK CORPORATION)
Order No. 8190

CONSENT ORDER

A. With the agreement of Kimberly-Clark Corporation ("KCC"), the Commissioner of Environmental Protection ("Commissioner") finds the following:

- 1. KCC is a corporation doing business at 58 Pickett District Road, New Milford, Connecticut ("facility").
2. Pursuant to § 22a-174-32(b)(1)(B) of the Regulations of Connecticut State Agencies ("Regulations"), the owner of a premises with potential volatile organic compound ("VOC") emissions of 25 or more tons per calendar year in a severe non-attainment area is subject to VOC Reasonably Available Control Technology ("RACT").
3. New Milford has been designated as a "severe non-attainment area for ozone" as that term is defined in § 22a-174-1 of the Regulations.
4. At the facility, KCC owns and operates two (2) Tissue Manufacturing Machines (known as "EU 4b" and "EU 5b") and a Raw Water Treatment Plant and a Process Wastewater Treatment Plant (known as "EU 36" and "EU 37" respectively). These are all referred together as the "subject equipment".
5. The facility has the potential to emit over twenty-five (25) tons per year ("TPY") VOCs from the subject equipment.
6. The facility is therefore subject to § 22a-174-32, VOC RACT.
7. On September 27, 1999, KCC submitted to the Department an Alternative Compliance Plan ("Plan") pursuant to § 22a-174-32(e)(6) of the Regulations. The Plan has been reviewed and is hereby approved by the Commissioner.
8. The Plan contained the following information regarding the Maximum Potential to Emit ("MPE") VOCs, based on the current maximum output of the facility:

Respondent's Initials: RKC (Printed on Recycled Paper) 79 Elm Street • Hartford, CT 06106 - 5127 Date: 5-10-01
http://dep.state.ct.us

- a) Tissue machine #1 = 19.0 TPY
- b) Tissue machine #2 = 18.6 TPY
- c) Raw Water Treatment Plant = 8.3 TPY
- d) Process Water Treatment Plant = 3.3 TPY

9. According to the Plan:

- a) The use of add-on controls for reduction of VOC emissions from the tissue machines is unrepresentative of RACT.
- b) For the water and wastewater operations, there are no alternative controls in use at other similar facilities.
- c) Since the water and wastewater treatment process areas are currently operated in conformance with the applicable maximum achievable control technology ("MACT") standards and MACT guidance documents, they can be considered to be representative of RACT.
- (d) At this time, compliance with subparagraphs (1)(A) through (1)(C) of § 22a-174-32(e) is technologically and economically infeasible for KCC.

10. In a letter dated July 6, 2000, KCC stated that a substantial expansion of the facility is being planned. This would increase the mean discharge flow in the Wastewater Treatment Plant by 28%.

B. With the agreement of KCC, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders KCC as follows:

1. The combined total MPE for EU 4b and EU 5b shall be limited to 37.6 TPY of VOCs.
2. The combined total MPE for EU 36 and EU 37 shall be limited to 11.6 TPY of VOCs unless and until issuance of a modified NPDES permit # CT003212 for the facility expansion, at which time the combined total MPE may increase to 14.5 TPY of VOCs.
3. KCC shall continue to research and test low VOC content additives as new products become available. KCC shall submit a report documenting these efforts to the Commissioner every two years beginning from the date of issuance of this Consent Order. The report should include a summary of the research activities conducted, as well as an evaluation of the feasibility of switching to lower VOC content additives considering the availability, cost, and performance of these products.
4. Record Keeping. In accordance with §22a-174-32(g) of the Regulations, KCC shall make and keep such records that are necessary to reliably calculate actual monthly and annual emissions of VOCs for the subject equipment. The emissions shall be calculated consistent with those methods presented in the Plan referenced in A.7.

Respondent's Initials: RFC

Date: 5-10-01

Such records shall be created for each calendar month and calendar year. KCC shall maintain for the Commissioner's inspection upon demand, purchase records for all materials which are used or stored at the facility which contain VOCs. KCC shall keep each record required by this subsection at the premises for five years after the date that such record is made.

5. Reporting Requirements. KCC shall submit to the Bureau of Air Management an annual VOC emissions summary using records made in accordance with paragraph B.4. with respect to the emission units cited in this Order, on or before March 1 of every calendar year. The reports shall be sent to the:

DEP Bureau of Air Management
Compliance Analysis and Coordination Unit
79 Elm Street, 5th floor
Hartford, CT 06106-5127

6. Full compliance. KCC shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
7. Approvals. KCC 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 KCC that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and KCC shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 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.
8. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier.
9. 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 deposited in the U.S. mail or is personally delivered, 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 a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

10. 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 KCC or, if KCC is not an individual, by KCC's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and KCC or KCC's chief executive officer or a duly authorized representative of such officer and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

11. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject KCC to an injunction and penalties.
12. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
13. Notice of transfer; liability of KCC. Until KCC has fully complied with this consent order, KCC shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. KCC's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
14. KCC's obligations under law. Nothing in this consent order shall relieve KCC 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 KCC pursuant to this consent order will result in compliance or prevent or abate pollution.

16. Access to facility. Any representative of the Department of Environmental Protection or the United States Environmental Protection Agency may enter the facility 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 neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
18. Notice to Commissioner of changes. Within 15 days of the date KCC 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, KCC shall submit the correct or omitted information to the Commissioner.
19. Notification of noncompliance. In the event that KCC 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, KCC shall immediately notify by telephone the Bureau of Air Management Unit identified in the next paragraph 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. Within five (5) days of the initial notice, KCC shall submit in writing the date, time, and duration of the noncompliance and 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 KCC shall comply with any dates which may be approved in writing by the Commissioner. Notification by KCC 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.
20. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Compliance Analysis and Coordination Unit
Department of Environmental Protection
Bureau of Air Management
Compliance and Field Operations
79 Elm Street
Hartford, Connecticut 06106-5127

Respondent's Initials:

RFC

Date:

3-27-02

KCC 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 KCC to the terms and conditions of this Consent Order.

Kimberly-Clark Corporation

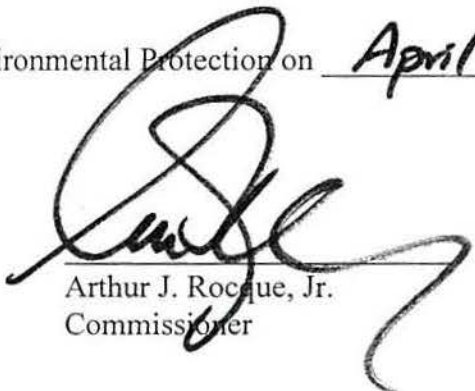
Signature: *Richard F. Craig*

Print: RICHARD F. CRAIG

Title: MILL MANAGER

Date: 5-10-2001

Issued as an order of the Commissioner of Environmental Protection on April 23, 2001.


Arthur J. Rocque, Jr.
Commissioner

TOWN OF New Milford
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. 16250226

AJR/mag