



STATE OF CONNECTICUT)	Order No. 2411
)	
Vs.)	
)	
KIMBERLY-CLARK CORPORATION)	
)	

CONSENT ORDER

- A. With the agreement of Kimberly-Clark Corporation (the Respondent), the Commissioner of Energy and Environmental Protection (Commissioner) finds the following:
1. The Respondent is a corporation doing business at 58 Pickett District Road in New Milford, Connecticut.
 2. The Respondent exceeds the major source threshold for NOx and VOC and is a Title V source operating under Title V permit number 130-0050-TV. Air emissions sources at the facility include a boiler, cogeneration equipment, tissue and converting equipment, diesel fire pumps, emergency generators, fuel storage tanks, cold cleaner maintenance parts washers, and raw water and process waste water treatment facilities.
 3. The Respondent operates a combined heat and power plant containing two turbines: a Solar Titan 130 Combustion Turbine #1 with Eclipse 30FFB-SP Supplemental Burner (Turbine #1) and a Solar Titan 130 Combustion Turbine (Turbine #2). These turbines are referred to as Emission Unit (EU) 41 and EU 42, respectively, in Title V permit number 130-0050-TV.
 4. The Respondent failed to test Turbines #1 and #2 for filterable and condensable PM_{2.5} within one year following the US EPA's promulgation of a condensable PM_{2.5} reference test method, as required by Title V permit conditions III.I.1.a and III.J.1.a, respectively. Revisions to Reference Method 202 and 201A became effective on January 1, 2011. Therefore, testing for condensable PM_{2.5} was due on January 1, 2012. On June 17, 2014, the Commissioner issued NOV #17208 for violation of Title V permit condition III.I.1.a.
 5. PM_{2.5} testing of Turbine #1 was conducted on December 9 through 11, 2014. PM_{2.5} testing of Turbine #2 was conducted on December 18 and 19, 2014. The Respondent submitted a PM_{2.5} emission compliance testing report demonstrating that no emission rate limits were exceeded. The Commissioner accepted the testing in a letter dated April 6, 2015.
 6. On February 27, 2014, the Respondent submitted a Title V Compliance Certification for 2013 and a Title V Semi-Annual Monitoring Report for reporting period July through December of 2013 listing 15 deviations for failure to complete calculations by the 30th day of the following month. The Respondent reported deviations for the following Title V permit conditions:

III.B.1.a, III.B.2.a, III.B.3.a, III.C.1.a, III.C.2.a, III.E.1.a, III.E.1.b, III.E.2.a, III.E.3.a, III.G.1.a(ix), III.H.1.a, III.I.1.a, III.I.2.a, III.I.5.a, and III.J.1.a. When the calculations were completed, the Respondent verified that no operating or emissions limits were exceeded. On June 17, 2014, the Commissioner issued NOV #17209 for the 15 Title V permit recordkeeping deviations.

7. On July 21, 2014, the Respondent submitted a compliance statement in responded to NOV #17209 stating that personnel will complete the necessary calculations earlier in the month to ensure that all calculations are completed prior to the deadline.
 8. The Respondent operates a gas-fired boiler (Boiler #3) as a back-up unit to provide steam to process equipment. Boiler #3 is a registered boiler (Registration No. 130-0019) and is subject to section 22a-174-22 of the Regulations of Connecticut State Agencies (RCSA). RCSA section 22a-174-22(e) and Title V permit number 130-0050-TV limit Boiler #3's nitrogen oxide (NOx) emissions rate to 0.20 lbs/MMBtu.
 9. The Respondent conducted stack testing on Boiler #3 on April 9 through April 10, 2014. During testing, the NOx emissions rate averaged 0.21 lbs/MMBTU. Because the test results demonstrated an exceedance of the NOx emissions rate limit of 0.20 lbs/MMBTU, the Commissioner issued Notice of Violation (NOV) #17212.
 10. The Respondent completed upgrades to the controls on Boiler #3 and tuning of the boiler on June 21 through June 25, 2014 and retested Boiler #3 on June 24, 2014. During retesting, Boiler #3 achieved an average NOx emissions rate of 0.130 lbs/MMBTU, demonstrating compliance with the emissions rate limit. The Commissioner approved the retest results in a letter dated August 11, 2014.
 11. By agreeing to the issuance of this Consent Order, the Respondent makes no admission of fact or law with respect to the matters herein other than the facts asserted in paragraphs A.1, A.2 and A.3.
- B. With the agreement of Respondent, the Commissioner, acting under §22a-6 and §22a-174 of Connecticut General Statute, orders the Respondent as follows:
1. Civil penalty. On or before thirty (30) days after issuance of this Consent Order, Respondent shall pay a penalty of \$14,300 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.4 and A.9 of this Consent Order.
 2. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services--Accounts Receivable Office ["F&SS"], 79 Elm Street, Hartford, CT 06106-5127. The payment shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection" with notation thereon "Bureau of Air Management Civil Penalty, Air Engineering & Enforcement Division, Consent Order #2411."

3. Statewide Supplemental Environmental Project (SEP) Account Payment.
 - a. In lieu of payment of the civil penalty referenced in Paragraph B.1, the Respondent may elect to pay \$14,300 to the Statewide SEP account for the purpose of funding the purchase and installation of electric vehicle charging stations within Connecticut.
 - b. If the Respondent elects to make a payment to the Statewide SEP account, the Respondent shall make such payment within thirty (30) days after issuance of this Consent Order. The payment shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services--Accounts Receivable Office ["F&SS"], 79 Elm Street, Hartford, CT 06106-5127. The payment shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection" with notation thereon "Statewide SEP Account" and "Consent Order #2411."
 - c. The Respondent shall not claim or represent any SEP payment made pursuant to this Consent Order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense. The Respondent shall not seek or obtain any other tax benefit, such as a tax credit, as a result of the payment under this paragraph.
 - d. If the Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, the Respondent shall include a statement that such funding was made in settlement of an enforcement action brought by the Commissioner.
4. Full compliance. The Respondent 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.
5. Approvals. The Respondent shall use best efforts to submit to the Commissioner all documents required by this 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 the 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 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.
6. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
7. Dates. 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. 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.

8. 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 the Respondent or, if the Respondent is not an individual, by the Respondent'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 the Respondent or the Respondent's chief executive 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 Section §53a-157b of the Connecticut General Statutes and any other applicable law."
9. 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 the Respondent to an injunction and penalties.
10. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
11. Notice of transfer; liability of Respondent. Until the Respondent has fully complied with this Consent Order, Respondent 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. The 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.
12. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this Consent Order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require the Respondents to undertake further investigation or further action to prevent or abate violations or pollution.

13. Respondent's obligations under law. Nothing in this Consent Order shall relieve the Respondent of other obligations under applicable federal, state and local law.
14. 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 the Respondent pursuant to this Consent Order will result in compliance.
15. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
16. 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.
17. Notice to Commissioner of changes. Within 15 days of the date the 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, the Respondent shall submit the correct or omitted information to the Commissioner.
18. Notification of noncompliance. In the event that the 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, the Respondent shall immediately notify by telephone the individual 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, the Respondent 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 the Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the 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.
19. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order, unless otherwise specified in this Consent Order or in writing by the Commissioner, shall be directed to:

Robin Baena
Department of Energy and Environmental Protection
Air Engineering & Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

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 Respondent to the terms and conditions of the Consent Order.

Kimberly-Clark Corporation

Signature: *Gary D. Wright*

Type Name: GARY D. WRIGHT

Type Title: Mill Manager

Date: 9/29/2015

Issued as a final order of the Commissioner of Energy and Environmental Protection.

Michael J. Sullivan

Michael J. Sullivan
Deputy Commissioner
Department of Energy and Environmental Protection

10/15/15

Date

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED