	1	BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
	2	OF THE STATE OF OREGON
•	3	
	4	In the matter of the Transfer by ) STIPULATION AND CONSENT VANPLY, INC. of a VCC Offset to ) FINAL ORDER
	. 5	to Spalding Pulp & Paper Co. )
	6	
. * }	7	WHEREAS:
	8	The purpose of this Chinulation and Concern Signal Order in the
	9	1. The purpose of this Stipulation and Consent Final Order is to
	10	make permanent and federally and state enforceable a certain reduction
-	11	of emissions of volatile organic compounds ("VOC") by Vanply, Inc.
	12	("Vanply") which is intended to partially offset and thereby partially
	13	allow a certain VOC emission increase proposed by Spaulding Pulp & Paper
``	14	Co. ("Spaulding"), in accordance with applicable federal and state laws.
1,	1.5	2. On January 3, 1980, the Oregon Department of Environmental Quality
. ,	16	("Department") issued to Spaulding air contaminant discharge Permit No.
٠.	17	36-6041 pursuant to permit application No. 1557 filed with the Department
	18	on March 29, 1979. Permit No. 36-6041 authorizes Spaulding to discharge
	19	air contaminants from its new wood fired No. 10 boiler at Publishers Paper
٠	20	Mill, Newberg, Oregon, in accordance with the conditions contained in the
٠	21	permit. The permit is scheduled to expire on October 1, 1984.
	22	3. Special condition No. 9 of Spaulding's permit requires Spaulding
	23	to secure and have in effect emission reductions ("offset") in the amount
٠	24	of 569 tons per year of VOC prior to operation of boiler No. 10.
	25	4. The offsets referred to in paragraph 3 above were and are
	26	required by the provisions of the Clean Air Act, as amended, the United
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- 1 States Environmental Protection Agency's ("EPA") implementing rules,
- 2 regulations and rulings, and Oregon Administrative Rules 340-20-192(1),
- as a prerequisite to Spaulding operating its No. 10 boiler, a "new major
- 4 source" under those laws. The emissions reductions were and are required
- 5 to be permanent and federally and state enforceable by the above cited
- 6 laws.
- 7 5. Prior to <u>September 10</u>, 197 9 [date of sale to
- 8 Vanply), D. G. shelter Products, a Delaware (state of
- 9 incorporation] corporation, owned and operated a flat wood coating facility
- 10 at Beaverton, Oregon. D.G. Shelter Products operated its Beaverton
- 11 facility and emitted 97 tons per year of VOC therefrom pursuant to air
- 12 contaminant discharge permit No. 34-2632 issued by the Department to D. G.
- 13 Shelter Products.
- 14 6. Effective September 10 ,1979 , D. G. Shelter
- 15 Products sold its Beaverton facility to Vanply, Inc. ("Vanply"),
- 16 a Washington [state of incorporation] corporation, which completely
- 17 shut down the facility and terminated all VCC emissions therefrom.
- 18 7. On September 29, 1980, Spaulding and Vanply agreed to relinquish,
- 19 transfer and assign to Spaulding any and all right, title and interest
- 20 and claim Vanply may have with respect to the 97 tons per year reduction
- 21 of VOC emissions resulting from the closure by Vanply at its above
- 22 described Beaverton facility in order to allow Spaulding to partially
- 23 satisfy the offset requirement described above in paragraphs 3 and 4.
- 24. Vanply also agreed therein to execute any other instruments, such as this,
- 25 required by the Department to accomplish the purposes of the agreement.
- -8. Vanply understands that in order for its offset transfer described Page 2-STIPULATION AND CONSENT FINAL ORDER

- 1 in paragraph 7 above to be effective to authorize Spaulding to operate
- 2 its No. 10 boiler, as was the purpose of Vanply's agreement with Spaulding,
- 3 Vanply has to commit itself, its successors and assigns to making the
- 4 emission reductions permanent and federally and state enforceable and that
- 5 that is the purpose of this Stipulation and Consent Final Order. Vanply
- 6 understands further that because its offset commitment contained herein
- 7 will be permanent and federally and state enforceable that it therefore
- 8 would prevent Vanply, its succesors and assignees from starting up or
- 9 expanding after September 28 , 1979 [date of shutdown], the same or
- 10 a similar operation with associated VOC emissions at the Beaverton site,
- or any other site in Air Quality Control Region 193 without Vanply, its
- 12 successors or assigns, obtaining its own offsets not related to this
- 13 offset. Furthermore, as a consequence thereof, if Vanply, its succesors
- or assigns, ever makes application with the Department for an air
- 15 contaminant discharge permit or preconstruction authorization to so start
- 16 up or expand, the Department and the Oregon Environmental Quality
- 17 Commission ("Commission") would be required to deny the application until
- 18 the applicant obtains its own offsets unrelated to this offset. Vanply
- 19 confirms that neither it, its successors not assigns has so started up
- 20 or expanded any such operation.
- 9. Vanply understands that this is one of the first offsets that
  - 22 the Department and the Commission have had to deal with and that therefore
  - 23 the criteria and limitations of offsets have not yet been fully defined
- 24 by rules. Vanply also understands that this offset will be regulated by
- 25 and will be subject to the limitations contained in future rules, when
- 26 they are adopted and that the final order contained herin will then be
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- 1 subject to amendment by the Commission to expressly incorporate, interpret
- and apply those rules. Furthermore, Vanply understands that it may have
- 3 to execute an additional document or documents in order to achieve the
- 4 purposes of the agreement and the laws.
- 5 10. Vanply understands that this stipulation and Consent Final Order
- 6 is subject to review and approval or disapproval by the Commission and
- 7 EPA. If disapproved by either, Vanply understands that the final order
- a contained herein will be subject to amendment by the Commission in order
- 9 to gain approval hereof.
- 10 ll. Vanply recognizes that the commission has the power to issue
- 11 federally and state enforceable final enforcement orders and orders
- 12 pertaining to applications for preconstruction authorizations and air
- 13 contaminant discharge permits. Therefore, Vanply wishes to implement its
- $_{14}$  offset transfer agreement by consenting, pursuant to ORS 183.415(5), to
- 15 the entry by the Commission of a final order or orders imposing certain
- 16 limitations and waiving rights to notices, hearings and judicial review
- 17 thereof.
- NOW THEREFORE, based on the above, Vanply, on behalf of itself, its
- 19 successors and assigns, consents and agrees to the following:
- 20 A. The Commission shall enter the following final order
- 21 (1) The 97 tons per year of VOC emissions from Vanply's
- 22 Beaverton facility (formally owned by D. G. Shelter Products) is hereby
- 23 removed from the emissions inventory and the removal shall be submitted
- 24 to EPA for approval as a revision to Oregon's Clean Air Act State
- 25 Implementation Plan ("SIP").
- 26 (2) Vanply, its successors and assigns are herby prohibited Page 4-STIPULATION AND CONSENT FINAL ORDER

1	from, on and after September 28 , 1979, (date Vanply			
2	shut down) starting up or expanding the same or any similar operation as			
3	described in paragraph 5 above, at the Beaverton site or any other site			
. 4	in Air Quality Control Region 193 without Vanply, its successors or			
5	assigns, first obtaining its own offsets not related to this offset.			
6	(3) The Commission hereby retains jurisdiction to issue such			
7	supplemental or amended interlocutory or final orders as the Commission			
8	deems appropriate under the circumstances, including:			
9	(a) Such as are necessary to obtain the approval hereof			
10	by EPA;			
11	(b) Such as necessary to incorporate and apply any future			
12	Commission rules that may be adopted regarding offsets.			
13	B. Whenever any person makes any application for an air contaminant			
14	discharge permit or for preconstruction approval of any activity which			
15	would violate subparagraph (2) of paragraph A above, the Department and			
16	Commission shall issue final orders denying the application.			
17	C. Whenever requested by the Department or Commission, Vanply its			
18	successors and assigns shall execute any document necessary to achieve			
19	the purposes of the above-described laws and offset transfer agreement.			
20	D. This Stipulation and Consent Final Order may be submitted to EPA			
21	for approval as a revision to the SIP for the purpose of making it			
22	federally enforceable.			
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2	IT IS SO STIPULATED AND AGREED:	
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Ą	ı VANPLI	Y, INC.
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5		A road M
6	Date: December 23 , 1980	By: Signature)
7.		
8.		Name: Don R. McDonald
9.		(Please print or type)
10		Title: Vice President-Operations
11		(Please print or type)
12		
13		
14	IT IS SO ORDERED AND APPROVED:	
15	ENVI	COMMENTAL QUALITY COMMISSION
16		
17	Date: Dec 30, 1980	William H. Hourto
	and the gaster state of the sta	William H. Young / Director
18		Department of Environmental Quality pursuant to OAR 340-]]-[36(])
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