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| STATE OF CONNECTICUT | ) | Order No. 2676 |
| | ) | |
| VS. | ) | |
| | ) | |
| KIMBERLY-CLARK CORPORATION | ) | |

CONSENT ORDER

A. With the agreement of Kimberly-Clark Corporation (Respondent), the Commissioner of Energy and Environmental Protection (Commissioner) finds the following:

1. The Respondent is a manufacturer of paper products at 58 Pickett District Road in New Milford, Connecticut.

2. The Respondent is a major stationary source as defined in Section 22a-174-33 of the Regulations of Connecticut State Agencies (RCSA) and renewed its Title V Permit #130-0050-TV (Title V Permit) on November 8, 2022.

3. The Respondent operates two natural gas-fired combined heat and power turbines: a Solar Titan 130 Combustion Turbine with Eclipse 30FFB-SP Supplemental Burner (Turbine #1) and a second Solar Titan 130 Combustion Turbine (Turbine #2) to supply power to the facility and to the process equipment. Turbine #1 is operated under New Source Review (NSR) Permit #130-0070 & Turbine #2 is operated under NSR Permit #130-0071. The turbines are also subject to 40 CFR Part 60 Subpart KKKK.

4. Pursuant to Sections VI.E and VI.H of the Title V permit, a permittee shall submit, for the Department's review and approval, an Annual Compliance Certification by March 1 of each year for the prior calendar year and shall submit Semi-Annual Monitoring Reports by March 1 and September 1 of each year for the prior semi-annual reporting period.

5. On May 23, 2022, a representative of the Department reviewed the records and determined that the Respondent failed to submit a Semi-Annual Monitoring report for the reporting period from July 1st – December 31st, 2021, and an Annual Compliance Certification for calendar year 2021 prior to March 1, 2022, in accordance with Sections VI.E and VI.H of Title V Permit. Whereas the Respondent failed to submit the required report and certificate on March 1, 2022,



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the Department determined that the Respondent violated Sections VI.E and VI.H of Title V Permit and consequently, NOV #18269 was issued on May 25, 2022.

6. On June 7, 2022, the Respondent submitted a compliance statement in response to NOV #18269 indicating that the missing report and certificate were submitted to the Department.

7. Pursuant to Part IV.A.7 of NSR Permit #130-0070 and Section III.K.3.b.i of the Title V Permit, the Respondent shall perform a Relative Accuracy Test Audit (RATA) on the Oxides of Nitrogen (NOx) CEMS for Turbine #1 in accordance with 40 CFR 60.4345, which requires a RATA to be conducted at least once every four calendar quarters. In 2021, a RATA was conducted on Turbine #1 in the fourth quarter on November 30, 2021. Therefore, for calendar year 2022, a RATA was required on or before the end of the fourth quarter, or before December 31, 2022.

8. Pursuant to Part 5.D of NSR Permit #130-0070 & #130-0071 and Sections III.K.4.b.i, III.K.5.b.i, III.L.4.b.i, and III.L.5.b.i of the Title V Permit, the Respondent shall perform emissions testing every five years to demonstrate compliance with the permit limits for Volatile Organic Compounds (VOC) & Carbon Monoxide (CO) for Turbine #1 & #2. The Respondent conducted emissions testing for VOC & CO on November 2, 2017. Therefore, emissions testing for VOC & CO for Turbine #1 & #2 was required no later than November 2, 2022.

9. On April 13, 2023, while reviewing a notification of intent to test submitted by the Respondent to perform a RATA for the continuous emissions monitoring system (CEMS) serving Turbine #1, Department staff determined that the Respondent failed to conduct a RATA serving Turbine #1 before December 31, 2022 and failed to conduct emissions testing for VOC & CO on turbines #1 & #2 before November 2, 2022. Consequently, the Department issued Notice of Violation (NOV) #18410 on February 13, 2024, to the Respondent for failing to perform a RATA on or before December 31, 2022, and for failing to conduct emissions testing for VOC & CO before November 2, 2022

10. On January 17 and 18, 2023, the Respondent completed emissions tests for Turbines #1 and #2 for VOC and CO, demonstrating compliance with the VOC and CO emission limits set forth in the applicable permits.

11. Pursuant to RCSA Section 22a-174-4a(g)(3), pollutant and diluent data shall be available for no less than ninety percent (90%) of the total operating hours of the

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source in any calendar quarter for any source required to install, operate, and maintain a CEMS.

12. Whereas the Respondent operates a CEMS and in violation of the permits regarding the RATA as described in paragraph A.7.a. of this Consent Order, the NOx emission data collected for time period commencing on January 1, 2023, and ending on January 17, 2023, are deemed invalid for the purposes of calculating data availability in accordance with RCSA Section 22a-174-4a(g)(3). Removing the operating hours collected during the period from January 1, 2023, to January 17, 2023, from the total operating hours in 1st Quarter 2023, the data availability calculation results in a data availability of eighty-one percent (81%), which is a violation of Section 22a-174-4a(g)(3) of the RCSA.

13. By virtue of the above, the Respondent has violated NSR Permit #130-0070, NSR Permit #130-0071, the Title V Permit, and Section 22a-174-4a(g)(3) of the RCSA.

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

1. The Respondent shall comply with NSR Permit #130-0070, NSR Permit #130-0071, the Title V Permit, and RCSA Section 22a-174-4a(g)(3).

2. The Respondent shall submit a revised Title V Annual Compliance Certification for the January 1, 2023 – December 31, 2023, reporting period, Title V Compliance Certification for the January 1, 2023 – June 30, 2023, reporting period, and Quarter 1 2023 CEM Quarterly Report. Such revised reports shall be submitted to the Department for review on or before thirty (30) days after issuance of this Consent Order.

3. Civil penalty. On or before thirty (30) days after issuance of this Consent Order, Respondent shall pay a penalty of $14,418 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraphs A.4 through A.9 & A.11 of this Consent Order.

4. Payment of penalties. On or before thirty (30) days after the issuance of this Order, the Respondent shall pay $14,418 by mail or personally delivered to the Bureau of Financial and Support Services--Accounts Receivable Office, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the Connecticut Department of Energy and Environmental Protection. The check shall state on its face, "Bureau of Air Management Civil Penalty, Air Enforcement Division, Consent Order #2676."

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5. Statewide Supplemental Environmental Project (SEP) account payment.

   i. In lieu of payment of the civil penalty referenced in Paragraph B.3. of this Consent Order, the Respondent may elect to pay $14,418 to the Statewide SEP account.
   ii. 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 #2676."
   iii. 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.
   iv. 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.

6. 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.

7. 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.

8. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.

9. 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

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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 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."

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 the Respondent to an injunction and penalties.

12. 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.

13. 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.

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14. 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.

15. Respondent's obligations under law. Nothing in this Consent Order shall relieve the Respondent of other obligations under applicable federal, state and local law.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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

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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.

21. 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:

David Roberts
Department of Energy and Environmental Protection
Bureau of Air Management
Air Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3714

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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: Signed by: Stephen Dubauskus 81FAEC0EBC5042D...

Type Name: Stephen Dubauskus

Type Title: Environmental Engineer

Date: 1/29/2025

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

Signed by: Emma Cimino 1D46FF81817649B...

Emma Cimino, Deputy Commissioner
Department of Energy and Environmental Protection

1/29/2025

Date