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## Foley & Lardner secures increasingly relevant PAL permit for Bemis Co.

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Milwaukee law firm Foley & Lardner LLP has helped secure a little-used government permit for Neenah-based S&P 400 company Bemis Co. Inc., and the initiative's lead attorney believes the permit will grow in popularity in Wisconsin as a result.

The Plantwide Applicability Limit (PAL) permit was introduced midway through George W. Bush's presidency and is a provision of the New Source Review (NSR), the permitting process for emissions-emitting facilities introduced in the late 1970s as part of the Clean Air Act.

A PAL permit applies an annual emissions limit for pollutants to an entire facility, eliminating the need for multiple limits throughout the facility and more crucially, allowing companies to avoid going through the time-consuming NSR permitting process each time it expands operations.

Mark Thimke, a partner and environmental lawyer for Foley & Lardner, who led the effort, said Bemis' PAL permit is the first one ever issued in Wisconsin. The permit is for three plants in Oshkosh, which are considered a single plant for the permitting process.

Bemis (NYSE: BMS), which manufactures packaging products, was acquired by Australian packaging company Amcor Ltd. this week for \$6.8 million in stock, but Thimke said that doesn't affect Bemis' PAL permit.

Thimke believes the recession made the permits unpopular, since facility expansions were much less common, but adds that with Wisconsin manufacturing's



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continued growth, they could rise in relevance, especially among companies that specialize in printing, painting and coating, and manufacturers of automotive products.

"I think more people are going to start to look at it now that there's one in place," Thimke said. "It's a very simple permit. You can look at it and evaluate it and now that someone has actually done it, it sort of paves the way."

PAL permits are obtained through the individual state's environmental regulatory body, which in Wisconsin is the Department of Natural Resources, but in neighboring Minnesota, for example, is the Minnesota Pollution Control Agency. Thimke said the permit can give manufacturers a competitive advantage, since any expansions that don't violate the emissions cap can be controlled internally, instead of decided on and then sent to the respective government agency for review.

"It frees up the ability of management

to manage their own business instead of having to wait a year for a regulator and for companies wanting to move product quickly to market, this is a real advantage," he said. "I get to make those decisions as opposed to the regulator making those decisions, and I get to make the decision at the time I'm making the capital allocation for the project and not wait six months to a year for someone to tell me what to do."

Thimke said PAL permits are already seeing an uptick in other significant manufacturing states like Pennsylvania, which he said has more than a dozen under review, and Michigan. He thinks Wisconsin businesses know about the availability of the permits, but might need to see other businesses like Bemis benefit before investing in the process.

"You need to take the effort to explore something different sometimes," he said. "People sometimes take the path of least resistance instead of the path of innovation."