

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE ASSESSMENT OF) NOTICE OF PENALTY
PENALTY AGAINST) INCURRED AND DUE
) DOCKET #19533

To: Jeff Stevens
Packaging Corporation of America
PO Box 138
Wallula, WA 99363

The Department of Ecology (Ecology) has assessed a penalty against you in the amount of \$28,500 for violating provisions of:

- Chapter 70A.15 Revised Code of Washington (RCW) – Washington Clean Air Act
- 40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants

This Notice of Penalty is in reference to the Notice of Violation, Docket #19482 Ecology issued on December 4, 2020. Ecology has authority to issue this penalty under RCW 70A.15.3160.

I. FINDINGS OF FACT

Packaging Corporation of America (PCA, formerly Boise White Paper) is subject to the requirements of the Clean Condensate Alternative (CCA), 40 CFR 63.447. The CCA requires a facility to reduce total hazardous air pollutant (HAP) emissions equal to or greater than the total HAP emission reductions that would have been achieved by compliance with 40 CFR 63.443(a)(1)(ii) through (a)(1)(v). 40 CFR 63.443(a)(1)(ii) through (a)(1)(v) requires the collection and treatment of emissions designated by 40 CFR Part 63 as “high-volume, low concentration” gases. PCA complies with the CCA by additional reduction of HAP emissions within their secondary wastewater treatment system, an aerated stabilization basin (ASB).

PCA was required to update their compliance demonstration plan after they ceased bleaching operations in 2018. The final performance test report, *Wallula Mill 40 CFR 63.446 and 63.447 Demonstration of Compliance (Demonstration of Compliance)*, received electronically on September 8, 2020 included the updated procedures. The *Demonstration of Compliance* was approved by Ecology via letter on September 28, 2020. The approved continuous compliance demonstration, in part, requires PCA to maintain a reduction in air emissions from the ASB above a baseline established in the *Demonstration of Compliance*. This reduction is referred to as a “CCA credit” in the *Demonstration of Compliance*. The required CCA credit that PCA must maintain on a 15-day rolling average is 0.3 lb of HAP per oven dried ton of pulp (ODTP) produced.

On October 6th 2020, Paul Butkus, Environmental Manager at PCA, called Ecology to discuss sampling that was performed in August at the ASB to evaluate compliance with CCA requirements. He said that the testing results showed that PCA was not meeting the 0.3 lb HAP/ODTP CCA credit minimum requirement. Paul said that PCA suspected this was due to a nutrient deficiency at the ASB caused from the transition from bleached to unbleached products. He said that the bleach plant filtrate contributed a large amount of nutrients consumed by the microorganisms which biologically treat contaminants in the ASB.

Paul Butkus said they were troubleshooting the problem by analyzing additional samples and hiring a consultant to evaluate ASB's performance.

PCA submitted an October monthly air report to Ecology electronically on November 12th, 2020. The report showed that PCA performed methanol sampling periodically from August 17th, 2020 through October 30th, 2020 while troubleshooting, for a total of twenty days. The report showed sampling results were not consistently above the required 0.3 lb HAP /ODTP reduction until the sampling events which occurred October 20th, 22nd through 23rd, 27th, and 29th through 30th of 2020. The report stated that a possible nutrient deficiency had been identified through sampling and working with consultants. The report stated that PCA began nutrient addition on October 22nd, 2020. These results indicated a period of non-compliance, but Ecology was not able to determine the dates of noncompliance with only this data. Ecology requested the 15-day rolling average CCA credit calculations from PCA on November 13th in order to make this determination.

PCA provided 15-day rolling average CCA credit calculations electronically on November 17th, 2020. The calculations showed that PCA's 15-day rolling average CCA credit was below the 0.3 lb HAP/ODTP requirement for a total of 57 consecutive days from August 28th, 2020, through October 23, 2020.

II. DETERMINATION OF VIOLATIONS

Ecology has determined the following violation(s) have occurred.

Violation(s):

PCA is required to comply with 40 CFR 63.447 (the Clean Condensate Alternative) as detailed in the *Demonstration of Compliance* approved by Ecology on September 28, 2020. PCA is required to maintain a rolling 15-day average 0.3 lb HAP /ODTP emission reduction at their ASB compared to the baseline established in the *Demonstration of Compliance*. From August 28, 2020 through October 23, 2020, PCA's 15-day rolling average emissions reductions were less than 0.3 lb HAP /ODTP.

III. ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations.

Ecology has determined the requirements of RCW 34.05.110 do not apply to the violation(s) described in this Notice of Penalty because you are not a small business as defined in RCW 34.05.110 (9).

IV. OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the Department of Ecology. Please include the penalty docket number on your payment.

Mail payment to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

Option 2: Appeal to the PCHB and serve Ecology within 30 days after the date of receipt of the Notice of Penalty.

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

V. ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

VI. CONTACT INFORMATION


Please direct all questions about this Notice of Penalty to:

Emily Toffol
Department of Ecology
Industrial Section
PO Box 47600
Olympia, WA 98504
(360) 407-6954
emily.toffol@ecy.wa.gov

VII. MORE INFORMATION

- **Pollution Control Hearings Board**
<https://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW, Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<https://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 70A.15 RCW, Washington Clean Air Act**
<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.15>

VIII. SIGNATURE



James DeMay, P.E.
Industrial Section Manager
Solid Waste Management Program
Washington State Department of Ecology

February 8, 2021

Date