



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 4, 2020

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

Notice of Violation Docket #:	19482
Site Location:	31831 West Highway 12, Wallula, WA 99363

Re: Notice of Violation

Dear Jeff Stevens:

The Department of Ecology is issuing the enclosed Notice of Violation to you 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

If you have questions please contact Emily Toffol at 360-407-3954 or emily.toffol@ecy.wa.gov.

Sincerely,

James DeMay, P.E.
Industrial Section Manager
Solid Waste Management Program

Enclosures: Notice of Violation Docket #19482

cc: Paul Butkus, Environmental Manager

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE) NOTICE OF VIOLATION
WITH WASHINGTON STATE CLEAN AIR) DOCKET #19482
LAWS AND RULES))

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

The Department of Ecology (Ecology) is issuing this Notice of Violation to you 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

Ecology has the authority to issue this Notice of Violation under RCW 70A.15.2040, RCW 70A.15.3000, and RCW 70A.15.3010.

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 Part 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 Part 63.443(a)(1)(ii) through (a)(1)(v). 40 CFR Part 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 reducing HAP emissions from 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.

The United States Environmental Protection Agency (EPA) has developed criteria to determine if a violation is considered to be a high priority violation (HPV). This violation is a HPV based on Criterion 4 of EPA's August 25, 2014 memo with the subject "Revision of U.S. Environmental Protection Agency's Enforcement Response Policy for High Priority Violations of the Clean Air Act: *Timely and Appropriate Enforcement response to High Priority Violation – 2014*". Criterion 4 is a violation of an applicable National Emission Standard for Hazardous Air Pollutants (NESHAP), which are contained in 40 CFR Parts 61 and 63. If the violation occurs for seven or more days, it is deemed a HPV.

II. DETERMINATION OF VIOLATIONS

Ecology is basing this notice on the violation listed below:

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. OPPORTUNITY TO MEET WITH ECOLOGY

Ecology may issue a penalty of up to \$10,000 per day per violation under RCW 70A.15.3160 to further address the violations described in this Notice of Violation. We encourage you to contact us within the next 30 days, to discuss these violations before we make a decision on a penalty.

If you would like to schedule a meeting to discuss the facts of these violations, please contact Emily Toffol at 360-407-6954 or emily.toffol@ecy.wa.gov.

IV. MORE INFORMATION

- **Chapter 70A.15 RCW, Washington Clean Air Act**
<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.15>
- **Air Quality Rules**
www.ecy.wa.gov/laws-rules/ecywac.html#air
- **The Clean Condensate Alternative**
<https://ecfr.federalregister.gov/current/title-40/chapter-I/subchapter-C/part-63/subpart-S/section-63.447>

V. SIGNATURE



James De May, P.E.
Industrial Section Manager
Solid Waste Management Program

December 4, 2020

Date