

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE)
WITH WASHINGTON STATE)
CLEAN AIR LAWS AND RULES)

COMPLIANCE ORDER
DOCKET #19534

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

The Department of Ecology has issued this Compliance Order requiring you to comply with:

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

This Compliance Order is in reference to Notice of Violation #19482 Ecology issued on December 4, 2020. Ecology has the authority to issue this Compliance Order 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 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 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 additional reductions of HAP emissions by 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 VIOLATION(S)

Ecology has determined the following violations have occurred:

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. COMPLIANCE ORDER FOR CORRECTIVE ACTIONS

You are hereby ORDERED to take the corrective actions listed below.

1. On or before March 9th, 2021 you must submit to Ecology for review and approval a revised CCA *Demonstration of Compliance* which shall include the following:
 - a. A written monitoring plan for proper nutrient addition at the ASB. The plan shall include, at a minimum:
 - i. A proposed monitoring location which shall be used to monitor for nutrient residuals,
 - ii. A proposed sampling frequency
 - iii. Proposed target minimum nutrient residual concentrations that should be achieved at that location to ensure compliance with the CCA requirements, and

- iv. Sampling methodology, test methods that shall be used, and the name of the lab(s) which shall perform the analysis.
 - v. Procedures for notifying Ecology in monthly air monitoring reports of any sample results below the proposed target minimum nutrient residual concentrations. A description of corrective action taken must be included for each sampling event which shows that minimum nutrient residual concentration targets are not being met.
- b. Procedures for performing one repeat performance test if the average *Fbio* calculated from a three-day quarterly performance test is less than 0.87. The performance test shall be performed within 30 days from the last day of the previous performance test. The results of the repeat performance test shall be submitted to Ecology within 60 days from the last day of the repeat performance test.

Any subsequent changes to the *Demonstration of Compliance* must be sent to Ecology for review and approval.

2. Beginning with the monthly air monitoring report due on March 15th, 2021:
 - a. Submit the calculated 15-day rolling average CCA credit for each day in the calendar month for which the monthly report is summarizing.

This order is no longer effective once the revised *Demonstration of Compliance* is approved by Ecology AND PCA's Air Operating Permit is modified to include the reporting required in No.2 above.

IV. 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 Order because you are not a small business as defined in RCW 34.05.110 (9).

V. FAILURE TO COMPLY

Failure to comply with this Compliance Order may result in enforcement action including Notice of Violation and/or civil penalties of up to \$10,000 per day per violation.

VI. YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

VII. 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

VIII. CONTACT INFORMATION

Please direct all questions about this Compliance Order to:

Emily Toffol
Department of Ecology
Industrial Section
PO Box 47600
Olympia, WA 98504

(360) 407-6954
emily.toffol@ecy.wa.gov

IV. 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>

X. SIGNATURE



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

February 8, 2021

Date