



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

December 12, 2022

Assaad Alsemaan, Mill Manager
WestRock CP, LCC
801 Portland Ave E
Tacoma, WA 98421

Re: Notice of Penalty Docket No. 21345 and Compliance Order No. 21436

Notice of Penalty Docket # 21345	
Site Location	801 Portland Ave E Tacoma, WA 98421
Penalty Amount	\$52,500
Due Date	Within 30 days after receiving this Notice of Penalty
Compliance Order Docket # 21436	

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty to you for violating provisions of:

- Air Operating Permit #0000850
- Chapter 70A.15 Revised Code of Washington (RCW) – Washington Clean Air Act
- 40 CFR Part 63 Subpart S, National Emissions Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

Please read the following enclosure(s):

- **Notice of Penalty:** Describes the violation and the options for responding to the penalty.
- **Compliance Order:** Provides a description of the required corrective actions and options for responding to the order.
- **News Release:** Ecology issues news releases for all major penalties and enforcement actions, including this one. A courtesy copy of the draft news release is included. If you have a comment or question, contact Ecology communication manager Jeff Zenk at 360-280-3704 or jeff.zenk@ecy.wa.gov by 9 A.M. the business day following receipt of the draft news release.

If you have questions, please contact Emily Toffol at 360-790-8363 or emily.toffol@ecy.wa.gov.

Sincerely,



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

Enclosures: Notice of Penalty Docket No. 21435
Compliance Order No. 21436
Draft News Release

cc: Logan Vaughan, WestRock
Penalty Desk – Fiscal Office, Ecology
Program Manager's Assistant

**State of Washington
Department of Ecology**

**In the Matter of Penalty Assessment Against
WESTROCK CP, LLC
Notice of Penalty Incurred and Due
Docket #21435**

To: Assaad Aslemaan, Mill Manager
WestRock CP, LLC
801 Portland Avenue E
Tacoma, WA 98421

The Department of Ecology (Ecology) has assessed a penalty against you in the amount of \$52,500 for violating provisions of:

- Air Operating Permit #0000850
- Chapter 70A.15 Revised Code of Washington (RCW) – Washington Clean Air Act
- 40 CFR Part 63 Subpart S, National Emissions Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

This Notice of Penalty is in reference to the Notice of Violation, Docket #21307 Ecology issued on August 18, 2022. Ecology has authority to issue this penalty under RCW 70A.15.3160.

1. Findings of Fact

WestRock CP, LLC's Tacoma mill (WestRock) is subject to the National Emissions Standards for Hazardous Air Pollutants from the Pulp and Paper Industry in 40 CFR Part 63, Subpart S. Requirements under 40 CFR Part 63, Subpart S include standards for treating kraft pulping process condensates. These requirements are included in WestRock's AOP under Section L, "Pulping Process Condensates." Condition L.4 of AOP No. 0000850 effective December 1, 2011, requires WestRock to treat their pulping process condensates to destroy 92% of hazardous air pollutants (HAPs) by weight (with methanol as a surrogate). WestRock treats their pulping process condensates in the "UNOX," an activated sludge system which is part of WestRock's wastewater treatment plant. The UNOX is not a device used solely to treat pulping process condensates. The UNOX treats all wastewater WestRock generates.

WestRock submitted their May 2022 Air Report (Report) to the Department of Ecology (Ecology) on June 15, 2022, via email. A copy also arrived via Fed Ex on June 21, 2022. The report included the results of a three-hour quarterly performance test which WestRock performed on April 17, 2022, to demonstrate compliance with Condition L.4 of AOP No.0000850 (It is acceptable for WestRock to submit the April results with the May report, as results are due within 60 days of the day the performance test). The quarterly performance test showed that WestRock destroyed 65% of the HAPs in the pulping process condensates (with methanol as a surrogate), failing to meet the 92% destruction requirement.

The Report also included results from a subsequent three-hour performance test conducted on May 11, 2022. The results from the May 11, 2022, test showed a destruction of 97% of the HAPs in the pulping process condensates (with methanol as a surrogate). The Report stated that WestRock believes that excess sludge and foam observed in the UNOX outlet during the April 17, 2022, performance test contaminated the samples used to perform the destruction calculations. The Report stated that “the mill is investigating sampling from an alternate location that is not influenced by excess foam.”

Logan Vaughan provided lab reports for the samples analyzed for the performance tests and a diagram of the sampling locations to Ecology on July 20, 2022, via email. The email stated that during the April 17, 2022, performance test, the sample point for the combined foul condensate and primary clarifier effluent contained significant amounts of solids. The email stated that the solids did not clear from the sample point after flushing the sample point prior to collection and that this is unusual.

The email also stated that on April 17, 2022, solids were observed floating in the east and west side of the outlet of the UNOX. WestRock also takes samples at the outlet of the UNOX during the performance test; the email stated that the solids present in the outlet on April 17, 2022, made it difficult to take a “good” grab sample. The email stated that on May 11, 2022, solids were only present in the west side of the outlet of the UNOX, which is more typical of operations. The email also stated sampling locations were unchanged between the April 17, 2022, and May 11, 2022, performance tests.

E-mail correspondence Ecology received from Logan Vaughan on July 20, 2022, and July 26, 2022 stated that WestRock shutdown the pulp mill (and subsequently stopped producing pulping process condensates) on the afternoon of April 30, 2022 due to a “high voltage power connection failure”. The mill began restarting pulp mill operations in the afternoon and evening of May 2, 2022. Logan Vaughan’s email stated that WestRock performed the May 11, 2022, performance test as soon as possible once production levels had become representative of normal operations

2. Determination of Violation

Ecology has determined that WestRock has not provided enough information to demonstrate that the April 17, 2022, performance test was invalid. Therefore, WestRock has violated AOP No. 0000850. Ecology is basing this notice on the violation listed below:

Emissions Source	Date of Performance Test	Applicable Requirements	Required Performance	Actual Performance
Pulping Process Condensates	April 17, 2022	AOP 0000850, Condition L.4; 40 CFR 63.446(e)(3)	Destroy 92% of hazardous air pollutants by weight (with methanol as a surrogate)	Destroyed 65% of hazardous air pollutants by weight (with methanol as a surrogate)

3. Eligibility for Paperwork Violation Waiver and Opportunity to Correct

Ecology has determined the violation(s) described in this Notice of Penalty are not paperwork violations under RCW 34.05.110 and therefore you are not eligible for a waiver for a first-time paperwork violation.

4. 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.

5. Address and Location Information

Street Addresses:

Department of Ecology

Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

4224 – 6th Avenue SE
Rowe Six, Building 2
Lacey, WA 98503

Mailing Addresses:

Department of Ecology

Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see WAC 371-08)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

6. 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

Phone: 360-790-8363
Email: emily.toffol@ecy.wa.gov

Notice of Penalty 21435
December 12, 2022
Page 4

7. Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

8. 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>

9. Signature



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

12/12/2022

Date

State of Washington
Department of Ecology

In the Matter of Notice of Compliance
WESTROCK CP, LLC
Docket #21436

To: Assaad Alsemaan, Mill Manager
WestRock CP, LLC
801 Portland Avenue E
Tacoma, WA 98421

Notice of Compliance Docket Number	21436
Site Location	801 Portland Avenue E Tacoma, WA 98421

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

- Air Operating Permit # 0000850
- Chapter 70A.15 Revised Code of Washington (RCW) – Washington Clean Air Act
- 40 CFR Part 63 Subpart S, National Emissions Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

This Compliance Order is in reference to the Notice of Violation, Docket #21307 Ecology issued on August 18, 2022. Ecology has the authority to issue this Compliance Order under RCW 70A.15.2040, RCW 70A.15.3000, and RCW 70A.15.3010.

1. Findings of Fact

WestRock CP, LLC's Tacoma mill (WestRock) is subject to the National Emissions Standards for Hazardous Air Pollutants from the Pulp and Paper Industry in 40 CFR Part 63, Subpart S. Requirements under 40 CFR Part 63, Subpart S include standards for treating kraft pulping process condensates. These requirements were in WestRock's AOP that was effective as of December 1, 2011, under Section L, "Pulping Process Condensates." Condition L.4 of AOP No. 0000850 effective December 1, 2011, required WestRock to treat their pulping process condensates to destroy 92% of hazardous air pollutants (HAPs) by weight (with methanol as a surrogate). WestRock treats their pulping process condensates in the "UNOX," an activated sludge system which is part of WestRock's wastewater treatment plant. The UNOX is not a device used solely to treat pulping process condensates. WestRock uses the UNOX to treat all wastewater they generate.

WestRock submitted their May 2022 Air Report (Report) to the Department of Ecology (Ecology) on June 15, 2022, via email. A copy also arrived via Fed Ex on June 21, 2022.

Compliance Order 21436

December 12, 2022

Page 1

The report included the results of a three-hour quarterly performance test which WestRock performed on April 17, 2022 to demonstrate compliance with Condition L.4 of AOP No.0000850 (It is acceptable for WestRock to submit the April results with the May report, as results are due within 60 days of the day of the performance test). The quarterly performance test showed that WestRock destroyed 65% of the HAPs in the pulping process condensates (with methanol as a surrogate), failing to meet the 92% destruction requirement. The Report also included results from a subsequent three-hour performance test conducted on May 11, 2022. The results from the May 11, 2022, test showed a destruction of 97% of the HAPs in the pulping process condensates (with methanol as a surrogate). The Report stated that WestRock believes that excess sludge and foam observed in the UNOX outlet during the April 17, 2022 performance test contaminated the samples used to perform the destruction calculations. The Report stated that “the mill is investigating sampling from an alternate location that is not influenced by excess foam.”

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2. Determination of Violation

Ecology has determined that WestRock has not provided enough information to demonstrate that the April 17, 2022 performance test was invalid. Therefore, WestRock has violated AOP No. 0000850. Ecology is basing this notice on the violation listed below:

Emissions Source	Date of Performance Test	Applicable Requirements	Required Performance	Actual Performance
Pulping Process Condensates	April 17, 2022	AOP 0000850, Condition L.4; 40 CFR 63.446(e)(3)	Destroy 92% of hazardous air pollutants by weight (with methanol as a surrogate)	Destroyed 65% of hazardous air pollutants by weight (with methanol as a surrogate)

3. Compliance Order for Corrective Actions

WestRock currently indicates compliance between quarterly UNOX performance tests by maintaining aerator amperage at the UNOX above a level established during performance testing. According to WestRock’s Air Operating Permit, the minimum UNOX amperage level was established using performance test data that was provided to Ecology on November 15, 2010. WestRock maintained aerator amperage at the UNOX above the required minimum value despite the failure of the April 17, 2022 performance test. This indicates that the current minimum operating requirements do not adequately capture periods of non-compliance. This compliance order requires WestRock to increase performance testing from quarterly to eight times per year and to conduct a study to evaluate more appropriate compliance indicators for demonstrating continuous compliance with the condensate treatment standard between performance testing. This compliance order also requires WestRock to document sampling procedures for quarterly performance tests for Ecology approval.

- 1) Within 60 days from the receipt of this order, WestRock must increase the frequency of the performance testing required by the current AOP Condition K.8 from quarterly to eight times per year. Tests must be performed within the following eight time periods of each calendar year: January 1 through February 15, February 16 through March 31, April 1 through May 16, May 17 through June 30, July 1 through August 15, August 16 through September 30, October 1 through November 15, and November 16 through December 31. This frequency must be maintained until Ecology approves less frequent monitoring in writing. Each performance test must consist of a minimum of three test runs. Unless otherwise approved by Ecology in writing, the sampling time for each test run shall be 1 hour. Unless otherwise approved by Ecology in writing, grab or composite samples shall be taken at equally spaced intervals over the 1-hour run period. A performance test report must be provided to Ecology within 60 days of the completion of the performance test.
- 2) While Compliance Order 21436 is effective, unless otherwise approved by Ecology in writing, within 30 days of WestRock being aware of any violations of the pulping process standard, WestRock must submit a written report investigating the root cause of the violation.

Based on the contents of the written report, Ecology will determine if the violation is being addressed via Compliance Order 21436 or if additional enforcement action is necessary.

- 3) Within 60 days from the receipt of this order, unless otherwise approved by Ecology in writing, you must provide a performance test study plan to Ecology electronically and by mail to establish new monitoring parameters which will indicate continuous compliance between quarterly performance tests. The study plan must provide, at a minimum:
 - a) Proposed wastewater and foul condensate sampling duration and frequency for the study. Provide justification for the proposed sampling duration and frequency. The sampling duration and frequency for the study must be sufficient to collect enough data to determine appropriate averaging times for quarterly performance testing and also the monitoring parameters which will be measured between quarterly performance tests.
 - b) A description of wastewater and foul condensate sampling procedures.
 - c) A diagram of proposed wastewater and foul condensate sampling locations for the performance test study.
 - d) A list of analytes which will be measured in the wastewater and foul condensate during the performance test study in accordance with 40 CFR Part 63 Subpart S, methods which shall be used to analyze samples, and the name of the laboratory performing the sample analysis.
 - e) A list of any additional process data that WestRock will collect to perform calculations for HAP treatment in condensates in accordance with 40 CFR Part 63 Subpart S.
 - f) Proposed parameters which WestRock will monitor during the study in accordance with 40 CFR 63.453(m) to establish monitoring parameters which will indicate continuous compliance with the condensate treatment standard between quarterly performance tests. Justification must be provided for each of the proposed parameters and how it relates to the destruction of HAPs in the treatment system. If sufficient data is available prior to the study, propose averaging times for the proposed parameters. Provide justification for why the proposed averaging time sufficiently demonstrates compliance with the condensate treatment standard. Ecology will review and approve averaging times for parameters which will indicate continuous compliance following the review of the study report.
- 4) Within 60 days of Ecology approval of the test plan, unless otherwise approved by Ecology in writing, you must begin the performance test study in accordance with the test plan approved by Ecology.
- 5) Within 60 days of the completion of the performance test study, unless otherwise approved by Ecology in writing, you must submit a report to Ecology electronically and by mail which includes the following:
 - a) The results of the performance test study, including all data collected, and all calculations that demonstrate compliance with the condensate treatment standard in accordance with 40 CFR Part 63 Subpart S.

- b) Provide for Ecology's approval the rationale for the selected operating parameter(s) and the minimum or maximum values which will indicate continuous compliance with the condensate treatment standard between quarterly performance tests.
 - i) Include all data and calculations used to develop the minimum or maximum value for each operating parameter.
 - ii) A proposed monitoring frequency and averaging plan for the selected operating parameter(s).
 - iii) Provide a description of why the chosen parameter(s), value(s), monitoring frequency, and averaging time demonstrate continuous compliance with the applicable emission standard.
- c) Provide for Ecology's approval the below information regarding how WestRock will perform quarterly performance tests.
 - i) Proposed wastewater and foul condensate sampling duration and frequency for the quarterly performance tests. Provide a description of why the chosen sampling duration and frequency for quarterly performance tests are appropriate to demonstrate compliance with the condensate treatment standard in accordance with 40 CFR Part 63 Subpart S.
 - ii) A description of wastewater and foul condensate sampling procedures.
 - iii) A diagram of proposed wastewater and foul condensate sampling locations for the quarterly performance tests.
 - iv) A list of analytes which will be measured in the wastewater and foul condensates during the quarterly performance tests in accordance with 40 CFR Part 63 Subpart S, methods which shall be used to analyze samples, and the name of the laboratory performing the sample analysis.
 - v) A list of any additional data that WestRock will collect during quarterly performance tests to perform calculations for HAP treatment in condensates in accordance with 40 CFR Part 63 Subpart S.

Ecology may alternatively require WestRock to submit portions or all of the above deliverables for EPA approval.

4. Eligibility for Paperwork Violation Waiver and Opportunity to Correct

Ecology has determined the violation(s) described in this Order are not paperwork violations under RCW 34.05.110 and therefore you are not eligible for a waiver for a first-time paperwork violation.

5. 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.

6. Appeal to the PCHB within 30 days after the date of receipt of the Compliance 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 the following within 30 days after the date of receipt of this Order:

- File your appeal and a copy of this Compliance Order with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Compliance Order 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.

7. Address and Location Information

Street Addresses:

Department of Ecology

Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

4224 – 6th Avenue SE
Rowe Six, Building 2
Lacey, WA 98503

Mailing Addresses:

Department of Ecology

Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see WAC 371-08)

Pollution Control Hearings Board

Pchb-shbappeals@eluh.wa.gov
Compliance Order 21436

December 12, 2022

8. Contact Information

Please direct all questions about this Compliance Order to:

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

Phone: 360-790-8363

Email: emily.toffol@ecy.wa.gov

9. Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

10. More Information

- **[Pollution Control Hearings Board Website](https://elaho.wa.gov/content/11)**
<https://elaho.wa.gov/content/11>
- **[Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board](http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B)**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **[Chapter 371-08 WAC – Practice And Procedure](http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08)**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **[Chapter 34.05 RCW – Administrative Procedure Act](http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05)**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **[Chapter 70.105 RCW – Hazardous Waste Management](http://apps.leg.wa.gov/RCW/default.aspx?cite=70.105)**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.105>
- **[Chapter 173-303 WAC – Dangerous Waste Regulations](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-303)**
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-303>

11. Signature



12/12/2022

Date

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