

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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September 24, 2002

Mr. Barry Stephens, Director
Air Pollution Control Division
401 Church Street, 9th Floor, L&C Annex
Nashville, TN 37243-1531

**Re: Weyerhaeuser Company, Kingsport Paper Mill, Permit No. 548522
Emission Source No. 82-0022**

Dear Mr. Stephens:

On behalf of the Board of Directors of the Blue Ridge Environmental Defense League and our membership in Tennessee, I write to comment on the proposed TAPCD Title V permit for Weyerhaeuser in Kingsport.

General Comments

Title V permits are meant to reduce confusion by including all applicable requirements that apply to a given source. The operating permit program is designed to define compliance, not just applicable standards. The permit must list all applicable requirements including monitoring, methods of testing, semi-annual reporting, and annual compliance certification. Compliance is determined by monitoring conditions with respect to an associated standard. If there is no federal standard for monitoring requirements, averaging times, or record keeping, Title V directs the state to determine them. This monitoring provision allows the state, the operator, and the public to know if the facility is in compliance with emission standards. According to the US EPA OAQP&S, "In effect, Title V makes compliance a matter of corporate responsibility."

Permit conditions must be practically enforceable, that is, they must make it possible to determine whether a plant is complying with the rules. The permit must clearly explain how the requirements apply to the facility. If one cannot tell what the facility is required to do to comply with permit limits, it is not practically enforceable. With limited exceptions, a facility must comply with regulations at all times. The public may use any credible evidence to show a facility is violating its permit. Evidence may include air sampling tests taken at the property line of the facility.

In the past the State of Tennessee has failed to control emissions from the Kingsport paper plant operated by Willamette and now Weyerhaeuser. In fact, only after an independent assessment of air pollution levels done by Dr. Michael Claggett in October 2000 (prepared for The Center in LaFollette)

revealed ambient levels of SO₂ in excess of NAAQS did the TAPCD New Source Review Program commission its own study. The results included a reduction in stack height and diameter which reduced ambient levels. This episode indicates that we must continue to rely on public interest groups and independent consultants to assure compliance with the law. The Blue Ridge Environmental Defense League calls upon the Tennessee Department of Environment and Conservation to allow all credible evidence in the control of air pollution for the protection of public health. The Weyerhaeuser-Kingsport Paper Mill permit's terms and stipulations, plant monitoring and recordkeeping, and enforcement measures must allow for full and unimpeded oversight by the interested public.

Specific Comments

Permit Section B8. Excess Emissions Reporting

Section B8(a) requires the Weyerhaeuser to notify the state when air pollution occurs above permitted limits within 24 hours of the event. However, under the circumstances outlined in the permit notification is not required if damage to property or health is not anticipated. The questions we must ask are: By whom must the damage be anticipated? By what means would damage be anticipated? What credible evidence could be utilized to support or refute the requirement to notify? Permit Section B8(a) states:

In attainment...areas if emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property or public health is anticipated, notification is not required.

We submit that, as a practical matter, no determination could be made as to property damage or public health within 24 hours of an exceedence. This permit stipulation, although embodied in the SIP, does not allow the Technical Secretary to determine compliance with emission standards.

Permit Section C1. Operational Flexibility Changes

There is a contradiction in the granting of a permit shield in Section A11 and the lack of same under Section C1(e) for operational flexibility. Section A11 states, "Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date of permit issuance...." The prospective granting of operational flexibility would seem to be granted by the draft permit. We believe the permittee could, therefore, claim permit shield protection for operational changes under Section C1. The TAPCD must clarify the meaning of Section C1 as it applies to this facility to prohibit the inappropriate application of the permit shield provision.

Permit Section D4. General Provisions and Applicability for Process Gaseous Emissions

The permit states that Weyerhaeuser "shall install and utilize equipment and technology which is deemed reasonable and proper by the Technical Secretary." What is the meaning of "reasonable and proper" in

this matter? The term is defined nowhere in state air regulations. Section D2 of the permit concisely stipulates BACT for non-process emissions. Process emissions should be subject to similar criteria. The Title V operating permit must define compliance; it is not acceptable to simply repeat applicable standards from the SIP. The TAPCD must detail the applicable standards which apply to Weyerhaeuser's Kingsport paper mill in order to allow the Technical Secretary, the EPA, and any interested member of the public to ascertain regulatory compliance. For example, EPA promulgated a NESHAP which applies to the Kingsport plant effective June 15, 1998 which states (Appendix A):

The NESHAP requires existing and new major sources within the pulp and paper production source category to control emissions using the maximum achievable control technology (MACT) to control hazardous air pollutants (HAP).
[Federal Register Vol. 63, No. 72, p. 18504, April 15, 1998]

Permit Section E2. Reporting Requirements

Paragraph (a) directs Weyerhaeuser to submit semi-annual reports on monitoring, recordkeeping, and emission rate calculations. But the permit at E2(a)(1) and (2) allows alternative methods of reporting. The draft permit states:

However, a summary report of this data is acceptable provided there is sufficient information to enable the Technical Secretary to evaluate compliance.

Title V monitoring provisions enable the state, the operator, and the public determine if the facility is in compliance with emission standards. A summary report as outlined by the draft permit would prevent independent assessment of compliance by the interested public. For example, the Weyerhaeuser Kingsport plant is subject to the NESHAP MACT under 40CFR63 Subpart S. This allows the operator to collect hazardous air pollutants from the digester area and evaporator system using a low volume high concentration gas system. These HAPs are subsequently incinerated in the lime kiln. Semi-annual reporting on this system is done in accordance with Section E2(a)(1). Lacking knowledge of emission rates and how they are calculated would leave the interested public in the dark

Emission monitoring, records, and rate calculations must be submitted by Weyerhaeuser to the TAPCD; the documents in state files necessary for the determination of regulatory compliance would then be available to all interested parties.

Permit Section E3. General Permit Requirements

Visible emissions

Visible emissions caused by fugitive dust, disposal of materials collected by air pollution control systems, plant buildings, and stack emissions are all determined by EPA Method 9 (40CFR60 Appx. A). However, Method 9 fails to be an effective monitoring technique during periods of darkness.

Weyerhaeuser's Kingsport plant operates 24 hours/day, leaving no practical means for the state to determine compliance with visible emission limits during at least half of plant operation times.

The TAPCD has determined that in 1999 the ambient levels of PM-10 of 48.6 micrograms/cubic meter were predicted in the vicinity of the Weyerhaeuser/Willamette plant (TAPCD Air Quality Modeling Review at Willamette Industries-Kingsport, Section 2.2-PM10 Ambient Impacts, April 11, 2001). This is 97.2% of NAAQS. A revised model done with alterations of the stack height and diameter (Section 3.2) resulted in no change in the ambient PM-10 level.

Visible emissions are closely related to particulate matter emissions. Tighter control of VE is required to prevent exceedence of the standard and negative health impacts on residents in the Kingsport area. TAPCD should stipulate that Weyerhaeuser install continuous opacity monitors on stacks at the Kingsport plant.

Thank you for the opportunity to present these comments. I hereby request to be contacted on all permit decisions.

Respectfully submitted,

Louis Zeller
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Appendix A

National Emissions Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production

Federal Register: April 15, 1998 (Volume 63, Number 72)) [Rules and Regulations] [Page 18503-18552] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr15ap98-19] [[Page 18503]]

Part II
Environmental Protection Agency

40 CFR Parts 63, 261, and 430 National Emissions Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper, and Paperboard Category; Final Rule

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ENVIRONMENTAL PROTECTION AGENCY
40 CFR Parts 63, 261, and 430
[FRL-5924-8]
RIN 2040-AB53

National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper, and Paperboard Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rules.

SUMMARY: This action promulgates effluent limitations guidelines and standards under the Clean Water Act (CWA) for a portion of the pulp, paper, and paperboard industry, and national emission standards for hazardous air pollutants (NESHAP) under the Clean Air Act (CAA) as amended in 1990 for the pulp and paper production source category.

EPA is also promulgating best management practices under the CWA for a portion of the pulp, paper, and paperboard industry, and new analytical methods for 12 chlorinated phenolic pollutants and for adsorbable organic halides (AOX). This action consolidates into 12 subcategories what had once been 26 subcategories of effluent limitations guidelines and standards for the pulp, paper, and paperboard industry, and revises the existing effluent limitations guidelines and standards for the Bleached Papergrade Kraft and Soda subcategory and the Papergrade Sulfite subcategory. The revised effluent limitations guidelines and standards require existing and new facilities within these two subcategories to limit the discharge of pollutants into navigable waters of

the United States and to limit the introduction of pollutants into publicly owned treatment works. The NESHAP requires existing and new major sources within the pulp and paper production source category to control emissions using the maximum achievable control technology (MACT) to control hazardous air pollutants (HAP).

EPA is revising the effluent limitations guidelines and standards for the Bleached Papergrade Kraft and Soda subcategory and the Papergrade Sulfite subcategory primarily to reduce the discharge of toxic and nonconventional chemical compounds found in the effluents from these mills. Discharge of these pollutants into the freshwater, estuarine, and marine ecosystems may alter aquatic habitats, affect aquatic life, and adversely impact human health. Discharges of chlorinated organic compounds from chlorine bleaching, particularly dioxins and furans, are human carcinogens and human system toxicants and are extremely toxic to aquatic life. The final effluent limitations guidelines and standards for the Bleached Papergrade Kraft and Soda and Papergrade Sulfite subcategory are estimated to reduce the discharge of adsorbable organic halides (AOX) by 28,210 kkg/year; chloroform by 45 kkg/year; chlorinated phenolics by 47 kkg/year; and 2,3,7,8-TCDD (dioxin) and 2,3,7,8-TCDF (furan) by 125 gm/year. These reductions will permit all 19 dioxin/furan-related fish consumption advisories downstream of pulp and paper mills to be lifted.

EPA is revising the subcategorization scheme for the effluent limitations guidelines and standards because the new scheme better defines the processes typically found in U.S. mills and thus results in what ultimately will be a streamlined regulation that can be implemented more easily by the permit writer. With the exception of the new effluent limitations guidelines and standards for the Bleached Papergrade Kraft and Soda and Papergrade Sulfite subcategories, EPA is making no substantive changes to the limitations and standards applicable to the newly reorganized subcategories. Those portions of the existing pulp, paper, and paperboard effluent limitations guidelines and standards that are not substantively amended by this action are not subject to judicial review; nor is their effective date affected by this reorganization.

The HAPs emitted by facilities covered by the NESHAP include such compounds as methanol, chlorinated compounds, formaldehyde, benzene, and xylene. The health effects of exposure to these and other HAPs at pulp and paper mills can include cancer, respiratory irritation, and damage to the nervous system. The final NESHAP is expected to reduce baseline emissions of HAP by 65 percent or 139,000 Mg/yr.

The pollutant reductions resulting from these rules will achieve the primary goals of both the CAA and CWA, which are to "enhance the quality of the Nation's air resources so as to promote the public health and welfare and productive capacity of its population" and to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," respectively. These rules will result in continued environmental improvement at reasonable cost by providing flexibility in when and how results are achieved and, for certain mills, by providing incentives to surpass baseline requirements.

Elsewhere in today's Federal Register, EPA is concurrently proposing NESHAP to control hazardous air pollutants from chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semi-chemical pulp mills.

In another proposed rule published in today's Federal Register, EPA is also proposing a regulation that would require mills enrolled in the Voluntary Advanced Technology Incentives Program being promulgated for the Bleached Papergrade Kraft and Soda subcategory to submit a plan specifying research, construction, and other activities leading to achievement of the Voluntary Advanced Technology effluent limitations, with accompanying dates for achieving these milestones. Second, EPA proposes to authorize Bleached Papergrade Kraft and Soda subcategory mills under certain circumstances to submit a certification based on process changes in lieu of monitoring for chloroform. Third, although not proposing totally chlorine-free (TCF) technologies for new source performance standards under the CWA for Bleached Papergrade Kraft and Soda subcategory at this time, EPA is requesting comments and data regarding the feasibility of TCF processes for this subcategory, especially the range of products made and their specifications. In that proposal EPA is also requesting comments and data regarding the effluent reduction performance of TCF processes for this subcategory.

DATES: In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the regulations shall become effective June 15, 1998. For compliance dates, see the SUPPLEMENTARY INFORMATION section under the heading ``Compliance Dates.''
