

ATTACHMENT 6



January 24, 2020

U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Pulp & Paper Sector
Attention: Robin Dunkins
109 T.W. Alexander Drive
Mail Code: E143-03
Research Triangle Park, NC 27709

Re: 40 CFR 63 Subpart S Applicability Determination Request

Dear Ms. Dunkins:

Packaging Corporation of America ('PCA') owns and operates an integrated unbleached kraft/neutral-sulfite semi-chemical pulp and paper mill in Wallula, WA ('Mill') that is subject to 40 CFR 63 Subpart S. The Mill operates two Messing-Durkee continuous digesters ('M&D Digesters' or 'Digesters').

Unlike typical Kamyr continuous digesters which utilize a low-pressure feeder valve followed by a chip steamer and finally a high pressure feeder valve to feed chips to the digester, M&D Digesters utilize Bauer valves to transfer sawdust from the feed bin to the Digester. As described in a M&D Digester Technical Memorandum (March 2000, revision March 2004, Attachment 1) the Bauer rotary valve "*performs the roles of the low-pressure feeder, steaming vessel, high pressure feeder and top separator....*" when used to transfer sawdust into an M&D digester.

PCA recognizes that M&D Digester system configurations vary. The Mill's M&D Digesters feature dry-feed systems and do not utilize any cooking liquor in the feed screws (to convey sawdust from the feed bin to the Bauer valve). Instead, both Digesters apply only high-pressure fresh steam (i.e., no digester flash or relief steam) to their respective Bauer valves. All of the steam required for Digester operation is introduced through the Bauer valve as fresh steam at a pressure 25 psig greater than the Digester operating pressure.

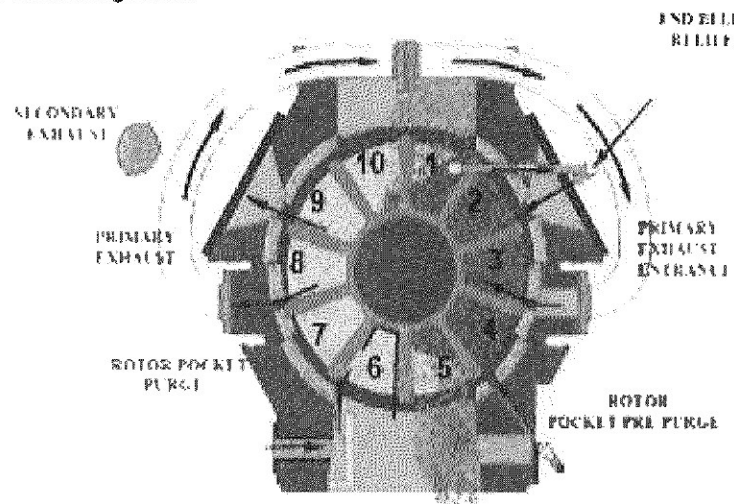
The Mill's Digesters are similarly configured; each Digester Bauer valve transfers sawdust into the head of the Digester as shown in Figure 1 which illustrates the 10 positions of the clockwise-rotating Bauer valve. Positions 1-5 of the valve constitute the descending side and 6-10 positions are on the ascending side.

Each Digester Bauer valve transfers sawdust from a feed bin to the head of the Digester as follows (Figure 1):

- In positions #10 and #1, sawdust, delivered by a dry feed system, drops into the top of the Bauer valve.

- Displaced air from position #1 is fed into the Bauer valve chamber located in the #2 position via the End Bell Relief line.
- In position #3, the primary exhaust steam, received from the high pressure side of the Bauer valve (position # 8), raises the pressure in the #3 pocket and serves to pre-steam the sawdust.
- In position #4, high pressure fresh steam (i.e., rotor pocket pre-purge), nominally 25 psig greater than the digester vessel operating pressure, is fed into the Bauer valve chamber.
- In positions #5 and #6, sawdust is discharged into the digester vessel.
- In position #6, high pressure pocket purge fresh steam, nominally 25 psig greater than the digester vessel operating pressure, is fed into the Bauer valve chamber to empty the pocket and fill it with the purge steam.
- In position #7, the pocket is empty of sawdust.
- In position #8, the pocket is depressurized by routing steam to the valve pocket in the #3 position (i.e., primary exhaust steam).
- In position #9, any residual pocket steam is exhausted through the secondary exhaust port.
- In position #10, the pocket returns to the top of the rotation cycle to repeat the process.

Figure 1: Bauer valve configuration



PCA notes the following pertinent Subpart S rule language (emphasis and explanation added):

§63.441 Definitions.

Low volume, high concentration or LVHC system means the collection of equipment including the digester, turpentine recovery, evaporator, steam stripper systems and any other equipment serving the same function as those previously listed.

Pulping system means all process equipment, beginning with the digester system, and up to and including the last piece of pulp conditioning equipment prior to the bleaching system, including treatment with ozone, oxygen, or peroxide before the first application of a chemical bleaching agent intended to brighten pulp. The pulping system includes pulping process condensates and can include multiple pulping lines.

Digester system means each continuous digester or each batch digester used for the chemical treatment of wood or non-wood fibers. The digester system equipment includes

associated flash tank(s), blow tank(s), chip steamer(s) not using fresh steam, blow heat recovery accumulator(s), relief gas condenser(s), prehydrolysis unit(s) preceding the pulp washing system, and any other equipment serving the same function as those previously listed (Bauer valve serves the same function as a chip steamer as discussed above). The digester system includes any of the liquid streams or condensates associated with batch or continuous digester relief, blow, or flash steam processes.

Sawdust is a wood-fiber source included within the term "chips". Notably, Subpart S does not define "chips" or "sawdust," although the term "chips" is used throughout the rule. An examination of the industry survey data collected by NCASI and analyzed by EPA affirms that the survey asked facilities to identify the sources of fiber furnish, including chips produced on-site, chips produced off-site, and sawmill residues (Attachment 2). However, in its analysis of the data, EPA did not make a distinction between digesters pulping chips versus digesters pulping sawmill residues but grouped all fiber furnish as "wood-fibers" in the definition. Subpart S combines all wood fiber sources into a single category indicating that the rule makes no regulatory applicability distinction between digesters processing chips and those processing sawmill residues.

§63.443 Standards for the pulping system at kraft, soda, and semi-chemical processes.

(a) The owner or operator of each pulping system using the kraft process subject to the requirements of this subpart shall control the total HAP emissions from the following equipment systems, as specified in paragraphs (c) and (d) of this section.

(1) At existing affected sources, the total HAP emissions from the following equipment systems shall be controlled:

(i) Each LVHC system;

(c) Equipment systems listed in paragraphs (a) and (b) of this section shall be enclosed and vented into a closed-vent system and routed to a control device that meets the requirements specified in paragraph (d) of this section. The enclosures and closed-vent system shall meet the requirements specified in §63.450.

PCA is required to collect and control emissions from LVHC system. The LVHC system definition refers to the digester system definition at §63.441 that specifically excludes from regulatory applicability chip steamers using fresh steam. Per the digester system definition, chip steamers not using fresh steam are part of the digester system; chip steamers using fresh steam are not. Additionally, in an email dated 04/21/1998 addressed to Mr. Bill Dameworth of Pope and Talbot, Ms. Penny Lassiter of EPA, who was responsible for writing Subpart S, confirmed this intent as reproduced below (Attachment 3):

"The intent of the rule is to control venting off the chip steamers and venting off of the chip bins if the chip steamer vents through the chip bins where waste or flash steam is used. As I recall, we did not intend to capture situations where only fresh steam is used."

In August 2019 PCA received a Notice of Violation from EPA Region 10 alleging failure comply with 40 CFR 63.443(a)(1)(i) to collect the vent gases from the Bauer valves on the #1 and #2 M&D Digesters based on a Region 10 mill inspection conducted in September 2018. As outlined above, PCA believes that the regulatory intent and the plain reading of the Subpart S rule affirm that the regulation covering the LVHC system refers to sources in the digester system definition. That definition specifically lists components covered by Subpart S and omits chip steamers using fresh steam (or the functionally equivalent equipment, like the Bauer valves) from Subpart S requirements.

A fundamental tenet of regulatory interpretation requires that every word of a regulation must be given meaning and the plain meaning governs. *See Safe Air For Everyone v. U.S. EPA*, 488 F.3d 1088, 1097 (9th Cir. 2007) (“As a general interpretative principle, the plain meaning of a regulation governs . . . Other interpretative materials, such as the agency’s own interpretation of the regulation, should not be considered when the regulation has a plain meaning.”)

For all the reasons detailed above, PCA believes that EPA Region 10’s August 2019 enforcement action contradicts the plain meaning and intent of the rule, in effect, changing the fundamental tenet of the regulation. This belief is buttressed by a 2001 WA Ecology determination that the Mill’s #1 Digester (sawdust-fed, fresh steam-supplied Bauer valve) was exempt from the collection and control requirements of §63.443 (Attachment 4).

In the interest of regulatory clarity, PCA seeks an Applicability Determination from EPA OAQPS.

Sincerely,



John Piotrowski
Vice President, Environmental Operations
Packaging Corporation of America
N9090 County Road E
Tomahawk, WI 54487

cc: Kelley Spence, EPA OAQPS
Cheryl Vetter, EPA OAQPS

Attachments (4)