

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
HAMMERMILL PAPER COMPANY
RIVERDALE PLANT
SELMA, ALABAMA
FACILITY NO. 104-0003

ORDER NO. 89-098-AP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, § 22-22A-1 et seq., Code of Alabama 1975, as amended, and the Alabama Air Pollution Control Act, § 22-28-1 et seq., Code of Alabama 1975, as amended, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. Hammermill Paper Company (hereinafter, "Hammermill") operates a pulp and paper mill for the manufacture of bleached pulp and paper products. The mill, Air Division Facility No. 104-0003, is located along the Alabama river approximately eight (8) miles east of Selma, Dallas County, Alabama.
2. On November 27, 1985, under the authority of § 22-28-16(a) Code of Alabama 1975, the Department issued an Air Permit, No. 104-0003-Z017, to Hammermill for its No. 9 and No. 10 Batch Digesters with incineration of total reduced sulfur (TRS).
3. Section 12.2.28 of the Air Division Rules and Regulations incorporates by reference 40 CFR Part 60, Subpart BB - Standards of Performance for Kraft Pulp Mills. Those standards state that no owner or operator of kraft pulp mills shall cause to be discharged into the atmosphere any gases which contain TRS in excess of 5 ppm by volume on a dry basis from any digester system.

ISSUED 6/27/89	SERVED 6/29/89
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4. On February 12, 1987, the Department issued a Notice of Violation to Hammermill for unauthorized venting of TRS from the digester system. This notice cited similar venting that occurred during 1983 after installation of Hammermill's Nos. 6, 7, and 8 digesters.
5. On May 15, 1987, Hammermill agreed to repair the sources of TRS leaks within two (2) weeks.
6. On August 21, 1987, the Department issued to Hammermill permanent Authorization to Operate the No. 9 and No. 10 batch digesters after an inspection of the system by Department personnel confirmed that the system could operate without venting TRS to atmosphere.
7. During late 1987 or early 1988 Hammermill determined that the existing TRS gas collection system needed to be modified but did not notify the Department as required by Air Permit Proviso No. 5.
8. On November 22, 1988, Department personnel witnessed total reduced sulfur bearing gases being released directly into the atmosphere from the digester system.
9. Hammermill operates its No. 2 recovery boiler under the conditions contained in Air Permit No. 104-0003 issued September 13, 1982.
10. For the first three quarters of 1988 Hammermill's No. 2 recovery boiler exceeded its total reduced sulfur emission limit 34%, 13%, and 6% of monitor operating time, respectively.
11. Hammermill failed to respond to an August 31, 1988, request for additional information concerning second quarter exceedances for the No. 2 recovery boiler.

12. The third quarter 1988 excess emission report did not address the issue of the still high number of exceedances for the No. 2 recovery boiler.

13. The assessment of civil penalties for violations of the Department's rules and regulations, and for violations of any order, permit condition, license, certification or variance issued by the Department is authorized by § 22-22A-5(18), Code of Alabama 1975, as amended. The statute also authorized that the penalty amount may range from \$100 to \$250,000 for each violation, so long as the penalty amount does not exceed \$250,000 in any given Order. Each day a violation continued constitutes a separate violation. In addition to the foregoing "Findings of Fact", the Department has considered the factors detailed in the aforementioned statute in determining the appropriate penalty amount in this particular instance. Those factors are listed as follows:

- (a). the seriousness of the violation, including any irreparable harm to the environment and any threat to the health and safety of the public;
- (b). the standard of care manifested by Hammermill;
- (c). the economic benefit which delayed compliance may confer upon Hammermill;
- (d). the nature, extent, and degree of success of Hammermill's efforts to minimize or mitigate the effects of the violation upon the environment;
- (e). Hammermill's history of previous violations; and
- (f). Hammermill's ability to pay the assessed penalty.

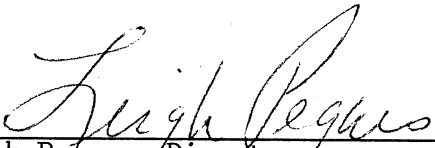
ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to §§ 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), and 22-22A-10(2), Code of Alabama 1975, as amended, it is ORDERED:

- A. That within thirty (30) days of issuance of this ORDER Hammermill shall install, maintain, and operate limit switches on the No. 1, No. 2, and No. 3 blow tank safety relief valves, the blow heat accumulator safety relief valve, and the noncondensable gas line safety relief valve. These switches are to send a signal for each positive pressure valve opening to a computer such that an alarm is sounded in the digester control room and the dates, times, and durations of the opening of any valves are recorded in a permanent manner. The records shall be kept in a permanent form suitable for inspection and shall be retained for at least two (2) years following the date of such record.
- B. That excess total reduced sulfur emission reports for the No. 2 recovery boiler (Permit Unit No. 104-0003-Z010) shall be submitted monthly beginning within thirty (30) days of issuance of this ORDER.
- C. That within thirty (30) days of issuance of this ORDER, Hammermill shall submit to the Department a written description of how it corrected or will correct those factors that led to the recovery boiler total reduced sulfur exceedances.
- D. That there is hereby assessed a civil penalty against Hammermill Paper Company in the amount of \$30,000 to be paid to the Alabama Department of Environmental Management within thirty (30) days of receipt of this ORDER.

E. That the failure of Hammermill to comply with any of the provisions of this Order shall constitute cause for the commencement of legal or other appropriate enforcement action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department or other against Hammermill.

ORDERED and ISSUED this 26th day of June, 1989.



Leigh Pegues, Director
Alabama Department of Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36109
(205) 271-7700

CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that a copy of the foregoing Administrative Order No. 89-098-AP has been served upon Hammermill Paper Company by sending the same, postage paid through the United States Mail as Certified Mail No. P 873-074-574, with instructions to forward and return receipt requested to:

Philip H. Speir
Hammermill Paper Company
Post Office Box 1409
Selma, Alabama 36701

DONE this 27th day of June, 1989.



Tommy E. Bryan