

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Georgia–Pacific Consumer Operations LLC
Crossett Paper Operations
100 Mill Supply Road
Crossett, AR 71635

LIS No. ~~18~~-19-002
Permit No. AR0001210
AFIN: 02-00013

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (“Order”) is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. § 1311 *et seq.*, and the regulations issued thereunder by Arkansas Pollution Control and Ecology Commission (APC&EC).

The issues herein having been settled by the agreement of the Georgia–Pacific Consumer Operations LLC – Crossett Paper Operations (“Respondent”) and the Arkansas Department of Environmental Quality (ADEQ or “Department”), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

FINDINGS OF FACT

1. Respondent is a Limited Liability Company that owns and operates a kraft paper mill located at 100 Mill Supply Road in Crossett, Ashley County, Arkansas (“facility”).
2. Respondent is regulated pursuant to the National Pollutant Discharge Elimination System (NPDES).
3. Pursuant to the federal Clean Water Act, 33 U.S.C. § 1311(a) *et seq.*, the NPDES program prohibits the discharge of pollutants except as in compliance with a permit issued under the NPDES program in accordance with 33 U.S.C. § 1342(a).

4. ADEQ is authorized under the Arkansas Water and Air Pollution Control Act (“the Act”) to administer the NPDES program in the state of Arkansas.

5. ADEQ issued NPDES Permit Number AR0001210 (“Permit”) to Respondent with an effective date of November 1, 2010. A major modification to the Permit became effective on July 1, 2011, and a second major modification to the Permit became effective on October 30, 2015. Respondent submitted a complete renewal application on May 4, 2015. The permit expired on October 31, 2015. Because Respondent submitted a timely, complete application for renewal of the Permit, Respondent’s coverage under the Permit was administratively continued.

TEMPORARY VARIANCES

6. On March 21, 2017, Respondent requested a Temporary Variance to discontinue the usage limits for hydrogen peroxide and the organic iron catalyst in the Permit (“Hydrogen Peroxide Variance”).

7. ADEQ granted the request for the Hydrogen Peroxide Variance on March 29, 2017, pursuant to Ark. Code Ann. § 8-4-230.

8. On June 28, 2017, Respondent requested a Temporary Variance to conduct a trial operation to assess the potential to remove the Ash Basins from service and transfer the fiber/ash settling process to a combination of improved process minimization, enhanced clarifier removal, and aeration basin settling (“Ash Basins Variance”).

9. ADEQ granted the request for the Ash Basins Variance on July 19, 2017, pursuant to Ark. Code Ann. § 8-4-230.

10. Since the initial grants of the Hydrogen Peroxide Variance and the Ash Basins Variance, Respondent has requested multiple extensions of the Hydrogen Peroxide Variance and the Ash Basins Variance.

11. On December 6, 2018, Respondent provided ADEQ with additional information concerning the Hydrogen Peroxide Variance and the Ash Basins Variance.

12. The information on the Hydrogen Peroxide Variance included data on effluent iron concentrations, demonstrating that no reasonable potential existed for Respondent's effluent to cause an exceedance of the EPA "Gold Book" water quality criterion for iron of 1 mg/L.¹

13. The information on the Ash Basins Variance stated that the Ash Basins Variance has been successful in reducing odors associated with hydrogen sulfide based on the TRC Environmental Corporation monitoring data from the West Crossett air monitor, local area monitoring efforts, and employee observations. Between October 2014 and the Spring 2017, the West Crossett monitor recorded Hydrogen Sulfide (H₂S) values that exceeded 70 ppb on a 30-minute rolling average on approximately twenty-five (25) separate occurrences. The Arkansas Department of Health issued special data review announcements concerning the events. Since the Ash Basins Variance was issued, the West Crossett monitor has not recorded any occurrences of H₂S values above 70 ppb on a 30-minute rolling average.

14. ADEQ has determined that Respondent is likely to request additional extensions for the Hydrogen Peroxide Variance and the Ash Basins Variance until Respondent can incorporate both variances into the Permit.

15. ADEQ incorporates the terms of the of the Hydrogen Peroxide Variance, first granted on March 29, 2017, and the Ash Basins Variance, first granted on July 19, 2017, into this Order.

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

¹ APC&EC Regulation 2 has no numeric water quality criterion for iron.

1. ADEQ extends the Hydrogen Peroxide Variance, first granted on March 29, 2017, and the Ash Basins Variance, first granted on July 19, 2017, until a decision on Respondent's Permit renewal becomes effective.

2. Except for the requirement to apply for extensions of the variance, Respondent shall comply with the terms of the Hydrogen Peroxide Variance, first granted on March 29, 2017, and the Ash Basins Variance, first granted on July 19, 2017, until a decision on Respondent's Permit renewal becomes effective.

3. This Order shall be effective upon the date it is fully executed and is subject to public review comment in accordance with Ark. Code Ann. § 8-4-230 and APC&EC Regulation No. 8. ADEQ retains the right to revoke or modify the Temporary Variances pursuant to Ark. Code Ann. § 8-4-230.

4. Nothing in this Order shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations of the Permit. This Order does not exonerate Respondent from any past, present, or future conduct which is not expressly addressed in this Order, and this Order does not relieve Respondent of its responsibilities for obtaining any necessary permits.

5. By virtue of the signature appearing below, the individual represents that he or she is duly authorized to execute and bind Respondent to the terms contained herein as attested by the secretary of said entity. Execution of this Order by an individual other than an Officer of Respondent shall be accompanied by appropriate documentation granting signature authority to said individual.

SO ORDERED THIS 21 DAY OF December, 2018.



BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

Georgia-Pacific Consumer Operations LLC – Crossett Paper Operations

BY: 
(Signature)

MICHAEL L. HOHNDEL
(Typed or printed name)

TITLE: V. P. MANUFACTURING, G.P. CROSSETT PAPER

DATE: 19 DECEMBER 2018