

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BOISE BUILDING SOLUTIONS  
MANUFACTURING, L.L.C.

AI # 4045

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.

\* Settlement Tracking No.  
\* SA-AE-11-0018  
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\* Enforcement Tracking No.  
\* AE-CN-07-0121  
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SETTLEMENT

The following Settlement is hereby agreed to between Boise Cascade Wood Products, L.L.C. (formerly Boise Building Solutions Manufacturing, L.L.C.) (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a plywood plant facility located in Oakdale, Allen Parish, Louisiana (“the Facility”).

II

On March 18, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-07-0121, which was based upon the following findings of fact:

The Respondent owns and/or operates Oakdale Plywood Plant (the facility), located at 140 Van Ply Road in Oakdale, Allen Parish, Louisiana. The facility currently operates under Title V Permit No. 0060-00008-V3, and PSD-LA743, issued on or about November 6, 2009. At

the time of the file review, the facility operated under Title V Permit No. 0060-00008-V2, issued on or about June 7, 2005.

On or about November 4, 2009, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

The following violations were noted during the course of the file review:

- A. In the Respondent's 2006 First Quarter Deviation report, dated September 15, 2006, for the period encompassing January through March 2006, the Respondent reported permit deviations regarding the Regenerative Catalytic Oxidizer/Regenerative Thermal Oxidizer (RTO) (Emission Source No. EQT007). The RTO poppet proximity switch failed a cumulative 4.64 hours and the fresh air damper was out of position a cumulative 7.66 hours, causing the RTO to function below 95% efficiency. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of Title V Permit No. 0060-00008-V2, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- B. The Respondent's 2006 First Quarter Deviation report, dated September 15, 2006, for the period encompassing January through March 2006, was received by the Department on or about September 27, 2006. The failure to submit the First Quarter Deviation Report by the required June 30, 2006 date is a violation of Part 70 General Condition R, State Only General Condition XI, Specific Condition 46 of Title V Permit No. 0060-00008-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. In the Respondent's 2006 Second Quarter Deviation report, dated September 15, 2006, for the period encompassing April through June 2006, the Respondent reported permit deviations regarding the RTO (Emission Source No. EQT007). The poppet proximity switch failed a cumulative of 9.40 hours and the fresh air damper was out of position a cumulative of 4.97 hours, causing the RTO to function below 95% efficiency. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of Title V Permit No. 0060-00008-V2, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- D. In the Respondent's 2006 Third Quarter Deviation report, dated December 29, 2006, for the period encompassing July through September 2006, the Respondent reported permit deviations regarding the RTO (Emission Source No. EQT007). The fresh air damper was out of position a cumulative 6.20 hours and the combustion chamber temperature was below the control point for a cumulative 2.4 hours, causing the RTO to

function below 95% efficiency. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of Title V Permit No. 0060-00008-V2, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

- E. In the Respondent's 2006 Fourth Quarter Deviation report, dated March 23, 2007, for the period encompassing October through December 2006, the Respondent reported permit deviations regarding the RTO. The poppet actuator was out of control for a cumulative 20.20 hours, the fresh air damper was out of position a cumulative 6.75 hours, the system air flow was out of control for a cumulative 9.30 hours and for an unidentified failure, the control efficiency for the RTO was below 95% for another 53.5 hours. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of Title V Permit No. 0060-00008-V2, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- F. In the Respondent's 2007 Fourth Quarter Deviation report, dated March 28, 2007, for the period encompassing October through December 2007, the Respondent reported permit deviations regarding the Hogged Fuel Fired Boiler (Emission Source No. EQT003). The chart recorder failed and did not record oxygen (O<sub>2</sub>) flow for 24.00 hours. The failure to continually maintain records of O<sub>2</sub> flow is a violation of Specific Condition 56 of Title V Permit No. 0060-00008-V2, AC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- G. In the Respondent's 2007 First Quarter Deviation report, dated June 26, 2007, for the period encompassing January through March 2007, the Respondent reported permit deviations regarding the RTO (Emission Source No. EQT007). The fresh air damper was out of position a cumulative 4.77 hours and the process blocking damper failed a cumulative 3.20 hours, causing the RTO to function below 95% efficiency. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of the current permit, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
- H. In the Respondent's 2007 First Quarter Deviation report, dated June 26, 2007, for the period encompassing January through March 2007, the Respondent reported permit deviations regarding the Hogged Fuel Fired Boiler (Emission Source No. EQT003). The chart recorder failed and did not record O<sub>2</sub> flow for 276.00 hours. The failure to continually maintain records of O<sub>2</sub> flow is a violation of Specific Condition 56 of Title V Permit No. 0060-00008-V2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

- I. In the Respondent's 2007 Second Quarter Deviation report, dated September 28, 2007, for the period encompassing April through June 2007, the Respondent reported permit deviations regarding the RTO (Emission Source No. EQT007). The process blocking damper failed a cumulative 3.27 hours, causing the RTO to function below 95% efficiency. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of Title V Permit No. 0060-00008-V2, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
  
- J. In the Respondent's 2007 Third Quarter Deviation report, dated December 14, 2007, for the period encompassing July through September 2007, the Respondent reported permit deviations regarding the RTO (Emission Source No. EQT007). The poppet proximity switch failed a cumulative 2.83 hours, causing the RTO to function below 95% efficiency. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of Title V Permit No. 0060-00008-V2, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).
  
- K. In the Respondent's 2007 Fourth Quarter Deviation report, dated March 28, 2008, for the period encompassing August through December 2007, the Respondent reported permit deviations regarding the RTO (Emission Source No. EQT007). The poppet proximity switch failed a cumulative 4.66 hours, and the fresh air damper was out of position a cumulative 8.98 hours, causing the RTO to function below 95% efficiency. Each failure to maintain operating controls within proper parameters is a violation of Specific Condition 73 of Title V Permit No. 0060-00008-V2, LAC 33:III.905, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

### III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

### IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$3,300.00), of which Nine Hundred Fifty-Five and 44/100 Dollars (\$955.44) represents the Department's

enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

#### V

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

#### VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

#### VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Allen Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

## X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

## XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

**BOISE CASCADE WOOD PRODUCTS, L.L.C.**

BY: *Greg Anthony*  
(Signature)

Greg Anthony  
(Printed)

TITLE: Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 18<sup>th</sup> day of August, 20 11, at Florien LA.

*Deborah S Crittenden*  
NOTARY PUBLIC (ID # 41357)

Deborah S Crittenden  
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Peggy M. Hatch Secretary

BY: *Cheryl Nolan*  
Cheryl Sonnier Nolan, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 9<sup>th</sup> day of December, 20 11, at Baton Rouge, Louisiana.

*DeWana King*  
NOTARY PUBLIC (ID # 20590)  
Bar Roll #

*Life Commission*

DeWana King  
(stamped or printed)

Approved: *Cheryl Nolan*  
Cheryl Sonnier Nolan, Assistant Secretary