



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

July 27, 2021

Brett Tremblay, General Manager
WestRock CP, LLC, Panama City Mill
One Everitt Avenue
Panama City, Florida 32401
Brett.tremblay@westrock.com

SUBJECT: Department of Environmental Protection v. WestRock CP, LLC
OGC File No.: 21-0713
Facility ID No. Air_0050009

Mr. Tremblay:

The State of Florida Department of Environmental Protection (“Department”) finds that WestRock CP, LLC (“Respondent”) released condensate stripper off-gases (SOG) containing an estimated 1.2 pounds of Acrolein, 332.1 pounds of Ammonia, 145.3 pounds of Hydrogen Sulfide, 7,097 pounds of Methanol, and 984 pounds of Methyl Mercaptan uncontrolled to the atmosphere from the stripper column on May 5, 2021, for approximately nine hours, due in part to careless operation. The facility’s root cause evaluation found that a programming error allowed the stripper to operate while SOG were released uncontrolled; and that the incident did not arise from any defect in the physical condition of the condensate stripper. Furthermore, not checking the control panel to confirm that SOG are being vented to a control device after restarting the stripper; and not having a procedure to confirm alarm systems are activated after re-booting the computer system and restarting the stripper are careless operation.

The May 5, 2021 incident was in violation of Title 40, Code Of Federal Regulations, Part 60 (40 CFR 60), Paragraph 60.283(a)(1)(iii); 40 CFR 63.443(c); Rules 62-296.404 and 62-296.320(1), Florida Administrative Code (F.A.C.); Facility Wide Condition FW3 of permit 0050009-043-AV and specific conditions K.2 and K.4 of permit 0050009-043-AV. Although there are no actions required to correct the violation, the Respondent remains subject to civil penalties as a result of the violation. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$6,000 in civil penalties and \$250 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$6,250. The civil penalty is \$6,000 for violation of 40 CFR 60.283(a)(1)(iii); 40 CFR 63.443(c); Rules 62-296.404 and 62-296.320(1), F.A.C.; Facility Wide Condition FW3 of permit 0050009-043-AV and specific conditions K.2 and K.4 of permit 0050009-043-AV.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Northwest District, 160 West Government Street, Suite 308, Pensacola, Florida, 32502-5740 by July 30, 2021. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights. Once effective, this short form consent agreement fully and finally resolves the Department's civil and administrative authority advising under Florida law to resolve the matters addressed herein.

By accepting this offer you, Brett Tremblay:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing on the enforcement matter described herein pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal of the enforcement matter described herein pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$6,250 in full by August 16, 2021.
- (2) Respondent shall make all payments required by this Order by cashier's or corporate check, money order or on-line payment. Cashier's or corporate check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>

It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Carol Melton at (850) 595-0616 or at Carol.Melton@floridaDEP.gov.

Sincerely,

 On behalf of

Elizabeth Mullins Orr, Director
Northwest District
Florida Department of Environmental
Protection

FOR THE RESPONDENT:

I, _____ [Type or Print Name], **HEREBY ACCEPT
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____
[Signature]

Date: _____

Title: _____
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, in Escambia County,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elizabeth Mullins Orr
District Director
Northwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk

Date

Attachments: Notice of Rights
 Warning Letter

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

cc: Michael Fuller, DEP Northwest District Branch Office Administrator,
 Michael.Fuller@dep.state.fl.us
 Tracy White, DEP Northwest District, Tracy.A.White@dep.state.fl.us

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

May 28, 2021

Brett Tremblay, General Manager
WestRock CP, LLC, Panama City Mill
One Everitt Avenue
Panama City, Florida 32401
Brett.tremblay@westrock.com

Re: Warning Letter
WestRock CP, LLC, Panama City Mill
Facility ID No. 0050009
Bay County

Dear Mr. Tremblay:

A file review of your facility was conducted on May 14, 2021. During this review, possible violations of Chapter 403, F.S., Chapter 62-296, Florida Administrative Code and Title 40, Code Of Federal Regulations, Part 60 (40 CFR 60) and Part 63 were observed.

Specifically, on May 5, 2021, from 7:10 AM to 4:25 PM Central Standard Time, condensate stripper off-gases containing an estimated 1.2 pounds of Acrolein, 332.1 pounds of Ammonia, 145.3 pounds of Hydrogen Sulfide, 7,097 pounds of Methanol, and 984 pounds of Methyl Mercaptan were released uncontrolled to the atmosphere from the stripper column, due in part to careless operation. This failed to comply with Title 40, Code Of Federal Regulations, Part 60 (40 CFR 60), Paragraph 60.283(a)(1)(iii); 40 CFR 63.443(c); Rules 62-296.404 and 62-296.320(1), Florida Administrative Code (F.A.C.); Facility Wide Condition FW3 of permit 0050009-043-AV and specific conditions K.2 and K.4 of permit 0050009-043-AV.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.121, 403.141 and 403.161, Florida Statutes.

Please respond in writing within **15 days** of receipt of this Warning Letter. Please direct your written or emailed response to Ms. Carol Melton, at (850) 595-0616 or at Carol.Melton@floridadep.gov. Based on our review of the submitted information, a meeting or teleconference may be required. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred.

WestRock CP, LLC, Panama City Mill
Facility ID No. 0050009
Warning Letter
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Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



On behalf of
Elizabeth Mullins Orr,
Northwest District Director
Florida Department of Environmental Protection

EMO/cm/

ec: Tracie D. Norwood, Environmental Manager, WestRock CP, LLC Panama City Mill,
tracie.norwood@westrock.com
Michael Fuller, DEP Northwest District Branch Office Administrator,
Michael.Fuller@dep.state.fl.us
Mark Sumner, DEP Northwest District, Mark.C.Sumner@dep.state.fl.us
Tracy White, DEP Northwest District, Tracy.A.White@dep.state.fl.us