

Executive Summary – Enforcement Matter – Case No. 60491

**WestRock Texas, L.P.
RN102157609
Docket No. 2021-0342-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

WestRock Texas, 1913 Farm-to-Market Road 105, Evadale, Jasper County

Type of Operation:

Pulp and paper mill

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 22, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,226

Amount Deferred for Expedited Settlement: \$2,445

Total Paid to General Revenue: \$4,891

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$4,890

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 29, 2020

Date(s) of NOE(s): February 9, 2021

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WestRock Texas, L.P.
RN102157609
Docket No. 2021-0342-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emissions rate (“MAER”). Specifically, the Respondent exceeded the chlorine dioxide (“ClO₂”) MAER of 0.34 pound per hour (“lb/hr”) for six minutes on December 20, 2019 for the No. 5 Bleach Plant Scrubber Stack, Emissions Point Number (“EPN”) 75, resulting in 0.36 lb of unauthorized ClO₂ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review (“NSR”) Permit Nos. 20365 and PSDTX785M7, Special Conditions (“SC”) No. 1, Federal Operating Permit (“FOP”) No. O1265, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, the Respondent exceeded the SO₂ MAER of 27.87 lbs/hr for one hour on May 12, 2020 for the No. 6 Power Boiler Stack, EPN 50, resulting in 18.49 lbs of unauthorized SO₂ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 20365 and PSDTX785M7, SC No. 1, FOP No. O1265, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. In order to comply with the ClO₂ hourly MAER for the No. 5 Bleach Plant Scrubber Stack, EPN 75:
 - i. By increasing the white liquor to the scrubber, manually cutting back the ClO₂ flow, and replacing the flow meter by December 23, 2019; and
 - ii. By conducting operator training by February 14, 2020.
- b. By increasing the caustic concentration from five percent (“%”) to 7% and tuning the pH control response system to improve the pH control response in order to comply with the sulfur dioxide (“SO₂”) hourly MAER for the No. 6 Boiler Stack, EPN 50, by May 29, 2020.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Executive Summary – Enforcement Matter – Case No. 60491
WestRock Texas, L.P.
RN102157609
Docket No. 2021-0342-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2576; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Southeast Texas Regional Planning Commission, 2210 Eastex Freeway, Beaumont, Texas 77703

Respondent: Stephen Morgan, President, WestRock Texas, L.P., P.O. Box 816, Silsbee, Texas 77656

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	24-Feb-2021	Screening	10-Mar-2021	EPA Due	
	PCW	20-Apr-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	WestRock Texas, L.P.
Reg. Ent. Ref. No.	RN102157609
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60491	No. of Violations	2
Docket No.	2021-0342-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Abigail Lindsey
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	88.0%	Adjustment	Subtotals 2, 3, & 7	\$6,600
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Notes

Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, and four orders containing a denial of liability. Reduction for an Environmental Management System in place for one year or more.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,874
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$40
Estimated Cost of Compliance	\$21,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,226
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$12,226
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,226
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,445
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,781
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Screening Date 10-Mar-2021

Docket No. 2021-0342-AIR-E

PCW

Respondent WestRock Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 60491

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102157609

Media Air

Enf. Coordinator Abigail Lindsey

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 88%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, and four orders containing a denial of liability. Reduction for an Environmental Management System in place for one year or more.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 88%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 88%

Screening Date 10-Mar-2021 **Docket No.** 2021-0342-AIR-E **PCW**
Respondent WestRock Texas, L.P. *Policy Revision 4 (April 2014)*
Case ID No. 60491 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102157609
Media Air
Enf. Coordinator Abigail Lindsey

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 20365 and PSDTX785M7, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1265, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the chlorine dioxide ("ClO2") MAER of 0.34 pound per hour ("lb/hr") for six minutes on December 20, 2019 for the No. 5 Bleach Plant Scrubber Stack, Emissions Point Number ("EPN") 75, resulting in 0.36 lb of unauthorized ClO2 emissions.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250
 \$3,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the instance of non-compliance that occurred on December 20, 2019.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by February 14, 2020, before the Notice of Enforcement ("NOE") dated February 9, 2021.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent WestRock Texas, L.P.
Case ID No. 60491
Reg. Ent. Reference No. RN102157609
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment	\$10,000	20-Dec-2019	23-Dec-2019	0.01	\$0	\$5	\$5
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	20-Dec-2019	14-Feb-2020	0.15	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to increase the white liquor to the scrubber, manually cut back the ClO2 flow, and replace the flow meter (\$10,000) and to conduct operator training (\$1,500) in order to comply with the ClO2 hourly MAER for EPN 75. The Dates Required is the date of non-compliance and the Final Dates are the dates of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$11,500

TOTAL \$17

Screening Date 10-Mar-2021
Respondent WestRock Texas, L.P.
Case ID No. 60491
Reg. Ent. Reference No. RN102157609
Media Air
Enf. Coordinator Abigail Lindsey

Docket No. 2021-0342-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 20365 and PSDTX785M7, SC No. 1, FOP No. O1265, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, the Respondent exceeded the sulfur dioxide ("SO2") MAER of 27.87 lbs/hr for one hour on May 12, 2020 for the No. 6 Power Boiler Stack, EPN 50, resulting in 18.49 lbs of unauthorized SO2 emissions.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended for the instance of non-compliance that occurred on May 12, 2020.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent achieved compliance by May 29, 2020, before the NOE dated February 9, 2021.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent WestRock Texas, L.P.
Case ID No. 60491
Reg. Ent. Reference No. RN102157609
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	12-May-2020	29-May-2020	0.05	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost to increase the caustic concentration from five percent ("%") to 7% and tune the pH control system to improve the pH control response in order to comply with the SO2 hourly MAER for EPN 50. The Date Required is the date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$23



Compliance History Report

Compliance History Report for CN601549496, RN102157609, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN601549496, WestRock Texas, L.P. **Classification:** SATISFACTORY **Rating:** 10.99

Regulated Entity: RN102157609, WESTROCK TEXAS **Classification:** SATISFACTORY **Rating:** 13.74

Complexity Points: 28 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1913 Farm-To-Market Road 105, Evadale, Jasper County, Texas

TCEQ Region: REGION 10 – BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JC0003K

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1210050

AIR NEW SOURCE PERMITS REGISTRATION 8738

AIR NEW SOURCE PERMITS REGISTRATION 33941

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JC0003K

AIR NEW SOURCE PERMITS REGISTRATION 70229

AIR NEW SOURCE PERMITS AFS NUM 4824100001

AIR NEW SOURCE PERMITS REGISTRATION 50799

AIR NEW SOURCE PERMITS REGISTRATION 50801

AIR NEW SOURCE PERMITS REGISTRATION 50803

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX785M7

AIR NEW SOURCE PERMITS REGISTRATION 86620

AIR NEW SOURCE PERMITS REGISTRATION 110883

AIR NEW SOURCE PERMITS REGISTRATION 107378

AIR NEW SOURCE PERMITS REGISTRATION 110853

ON SITE SEWAGE FACILITY PERMIT 1212219

WASTEWATER PERMIT WQ0000493000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JC0003K

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD000821223

AIR OPERATING PERMITS PERMIT 1265

AIR NEW SOURCE PERMITS PERMIT 7255

AIR NEW SOURCE PERMITS PERMIT 20365

AIR NEW SOURCE PERMITS REGISTRATION 49029

AIR NEW SOURCE PERMITS REGISTRATION 70534

AIR NEW SOURCE PERMITS REGISTRATION 70297

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX785M5

AIR NEW SOURCE PERMITS REGISTRATION 50800

AIR NEW SOURCE PERMITS REGISTRATION 50802

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX785M2

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX785M6

AIR NEW SOURCE PERMITS REGISTRATION 110879

AIR NEW SOURCE PERMITS REGISTRATION 110895

AIR NEW SOURCE PERMITS REGISTRATION 110886

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 24829

ON SITE SEWAGE FACILITY PERMIT 1212663

WASTEWATER EPA ID TX0003891

POLLUTION PREVENTION PLANNING ID NUMBER

P00675

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30261

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: April 05, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 05, 2017 to April 05, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Abigail Lindsey

Phone: (512) 239-2576

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 06/25/2019 ADMINORDER 2018-1346-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 14 OP
Description: Failure to maintain an emission rate below the allowable emission limi

2 Effective Date: 12/17/2019 ADMINORDER 2019-0191-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions 14 OP
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions 2. F. OP
Description: Failure to submit initial notification within 24 hours of discovery.

3 Effective Date: 05/25/2020 ADMINORDER 2019-0892-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 18 PERMIT
Special Terms and Conditions 14 OP
Description: Failure to prevent an excess opacity event. Specifically, the Respondent experienced an average opacity of 36.05 percent at the No. 7 Lime Kiln, EPN 7, during an excess opacity event (Incident No. 304773) that occurred on March 14, 2019 and lasted 12 minutes. The event occurred due to a large piece of lime breaking up near the flame safety device, causing the device to shut off natural gas and resulting in the release to the atmosphere. Since the excess opacity event could have been avoided b
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions 14 OP
Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 27 pounds per hour ("lbs/hr") for the No. 3 Recovery Boiler Stacks, Emissions Point Number ("EPN") 3/4, by an average of 9.76 lbs/hr for 11 hours on February 18, 2018 and February 20, 2018, resulting in 107.4 lbs of unauthorized PM emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions 14 OP

Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the chlorine dioxide MAER of 0.34 lb/hr for the No. 4 Bleach Plant Scrubber Stack, EPN 70, by an average of 18.04 lbs/hr for a total of 1.68 hours on May 25, 2018, June 20, 2018, June 24, 2018, and September 6, 2018, resulting in 30.3 lbs of unauthorized chlorine dioxide emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions 14 OP

Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the chlorine dioxide MAER of 0.34 lb/hr for the No. 5 Bleach Plant Scrubber Stack, EPN 75, by an average of 34.65 lbs/hr for a total of 0.92 hour on August 3, 2018 and September 27, 2018, resulting in 31.88 lbs of unauthorized chlorine dioxide emissions.

4 Effective Date: 08/27/2020 ADMINORDER 2019-1782-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 20365 SC No. 18 OP
General Term and Condition OP
Special Term and Condition 14 OP
Special Term and Condition 19 PERMIT

Description: Failure to prevent unauthorized opacity to the atmosphere during Incident 319969.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS & CONDITIONS OP
O1265 STC No. 2.F OP
SPECIAL CONDITION 14 OP
SPECIAL CONDITION 19 PERMIT

Description: Failure to notify the TCEQ Beaumont Regional Office of a reportable excess opacity event within 24 hours following the event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 20365 SC No. 18 PERMIT
GENERAL TERMS & CONDITIONS OP
SPECIAL CONDITION 14 OP
SPECIAL CONDITION 19 PERMIT

Description: Failure to comply with a permitted opacity limit.
A8, Mod 2B

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 17, 2017	(1455931)
Item 2	August 11, 2017	(1443484)
Item 3	September 14, 2017	(1435641)
Item 5	October 23, 2017	(1447440)
Item 7	November 17, 2017	(1461412)
Item 8	January 24, 2018	(1460064)
Item 9	February 06, 2018	(1438496)
Item 10	February 12, 2018	(1465639)
Item 12	March 12, 2018	(1471759)
Item 13	March 15, 2018	(1470986)
Item 14	May 01, 2018	(1482277)
Item 15	May 02, 2018	(1459464)
Item 16	May 03, 2018	(1482058)
Item 17	May 08, 2018	(1482695)
Item 18	May 18, 2018	(1500554)
Item 19	June 05, 2018	(1489908)
Item 20	July 03, 2018	(1513988)
Item 21	July 09, 2018	(1497128)
Item 22	August 09, 2018	(1500035)
Item 23	September 10, 2018	(1497959)
Item 25	November 16, 2018	(1559551)
Item 26	December 03, 2018	(1531647)
Item 28	February 21, 2019	(1548432)
Item 29	February 28, 2019	(1571789)
Item 30	March 19, 2019	(1559550)
Item 31	March 21, 2019	(1550863)
Item 32	April 26, 2019	(1556161)
Item 33	May 08, 2019	(1557792)
Item 34	May 14, 2019	(1583187)
Item 35	June 10, 2019	(1569675)
Item 36	June 13, 2019	(1583188)
Item 37	July 01, 2019	(1576040)
Item 39	September 25, 2019	(1597118)
Item 40	October 18, 2019	(1597027)
Item 42	November 13, 2019	(1619013)
Item 43	November 18, 2019	(1634006)
Item 44	January 31, 2020	(1622636)
Item 45	April 14, 2020	(1644221)
Item 46	April 29, 2020	(1644395)
Item 47	April 30, 2020	(1640500)
Item 48	May 15, 2020	(1660067)
Item 49	May 22, 2020	(1646345)
Item 50	June 15, 2020	(1666572)
Item 51	June 30, 2020	(1651325)
Item 52	July 14, 2020	(1658405)
Item 53	August 17, 2020	(1680303)
Item 54	October 20, 2020	(1693219)
Item 55	November 18, 2020	(1712350)
Item 56	December 15, 2020	(1712351)
Item 57	January 05, 2021	(1679619)
Item 58	January 15, 2021	(1690199)
Item 59	February 08, 2021	(1725405)
Item 60	March 18, 2021	(1725406)
Item 62	April 20, 2021	(1708967)
Item 63	April 30, 2021	(1706840)
Item 64	May 13, 2021	(1740016)
Item 65	August 11, 2021	(1757134)

Item 66	September 08, 2021	(1766212)
Item 67	November 15, 2021	(1783585)
Item 68	January 07, 2022	(1773664)
Item 69	January 10, 2022	(1772462)
Item 70	January 17, 2022	(1763211)
Item 71	January 24, 2022	(1764782)
Item 72	January 31, 2022	(1788144)
Item 73	March 31, 2022	(1802930)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 05/31/2021 (1747554)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 09/30/2021 (1776616)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 11/30/2021 (1790609)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 12/15/2021 (1771452)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 12 PERMIT
SPECIAL CONDITION 14 OP
Description: Failure to comply with the permitted representations regarding the venting of emissions from the Spent Caustic Tank (formerly Emission Point Number (EPN) 40-2029) to a control device.
B17, Mod2g

- 5 Date: 01/13/2022 (1772464)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Terms and Condition 2F OP
Description: Failure to submit an initial notification in a timely manner.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX785M7, Special Condition 10 PERMIT
Special Term and Condition 14 OP
Description: Failure to maintain an opacity limit of 20 percent (%) for No. 3 Recovery Boiler Stacks (Emission Point Number [EPN] 3/4).

- 6 Date: 01/20/2022 (1781139)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure by Westrock Texas to maintain plant equipment tight against leakage.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

1 ENVIRONMENTAL MANAGEMENT SYSTEM 30 TAC CERTIFIED

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WESTROCK TEXAS, L.P.
RN102157609

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0342-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WestRock Texas, L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a pulp and paper mill located at 1913 Farm-to-Market Road 105 in Evadale, Jasper County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$12,226 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$4,891 of the penalty and \$2,445 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$4,890 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. In order to comply with the chlorine dioxide ("ClO₂") hourly maximum allowable emissions rate ("MAER") for the No. 5 Bleach Plant Scrubber Stack, Emissions Point Number ("EPN") 75:
 - i. By increasing the white liquor to the scrubber, manually cutting back the ClO₂ flow, and replacing the flow meter by December 23, 2019; and
 - ii. By conducting operator training by February 14, 2020.
 - b. By increasing the caustic concentration from five percent ("%") to 7% and tuning the pH control response system to improve the pH control response in order to comply with the sulfur dioxide ("SO₂") hourly MAER for the No. 6 Boiler Stack, EPN 50, by May 29, 2020.

II. ALLEGATIONS

During a record review conducted on December 29, 2020, an investigator documented that the Respondent:

1. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 20365 and PSDTX785M7, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1265, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the ClO₂ MAER of 0.34 pound per hour ("lb/hr") for six minutes on December 20, 2019 for the No. 5 Bleach Plant Scrubber Stack, EPN 75, resulting in 0.36 lb of unauthorized ClO₂ emissions.
2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 20365 and PSDTX785M7, SC

No. 1, FOP No. O1265, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the SO₂ MAER of 27.87 lbs/hr for one hour on May 12, 2020 for the No. 6 Power Boiler Stack, EPN 50, resulting in 18.49 lbs of unauthorized SO₂ emissions.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: WestRock Texas, L.P., Docket No. 2021-0342-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$4,890 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the

Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/14/2022

For the Executive Director

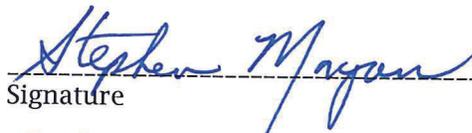
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date

6/15/2022

STEPHEN MORGAN

Name (Printed or typed)

GENERAL MANAGER

Title

Authorized Representative of
WestRock Texas, L.P.

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A

Docket Number: 2021-0342-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	WestRock Texas, L.P.
Payable Penalty Amount:	\$9,781
SEP Offset Amount:	\$4,890
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Lighthouse Program</i>
Total Project Budget:	\$5,679,300.00
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Lighthouse Program* Project (the “Project”). The Project is to hire a contractor to conduct initial inspections of eligible applicants’ homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners, coordinate between the contractors and the homeowners to answer questions, ensure that work is done timely and properly, and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

WestRock Texas, L.P.
Docket No. 2021-0342-AIR-E
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. **Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.