Columbia Forest Claims Exemption from ECPRA/TRI Reporting

Toxics Report Found Missing When Sought for Informative Value

In seeking normally-accessible public information which might help us research the circumstances of troubling emissions into our neighborhood from the Columbia Forest Products - Chatham, Virginia plant, we discovered that the facility claims to be exempt from the requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 Special Requirements for toxics reporting. However, it appears to us that other reports from the facility indicate quantities which clearly exceed the thresholds for such reporting.

We searched for TRI reports through local emergency preparedness sources, regional and state DEQ offices, and online at the EPA website, without success. We discussed the lack of reports at each local and state contact, and further in our January 5, 2005 written appeal to Robert Burnley, then director of the Virginia DEQ (see attached 2C-20, paragraph 1, and his March 9, 2005 reply on 2C-39).

We recently engaged a professional engineer (with a specialty of environmental air considerations within the wood products industry) to review the proposed new air permit for the facility (see separate packet of correspondence and data on that topic). At the conclusion of his study of the draft permit and Virginia DEQ records regarding the facility, he verified our previous conclusion, advised that it does not appear that the facility has met its TRI obligations, and suggested that we report in a formal way to the EPA this absence of TRI reports. Therefore, we have compiled and forwarded this document.

Supposed Exemption Based on 10,000-Pound Thresholds

Columbia Forest Products' consultant SECOR stated in a Storm Water Pollution Prevention Plan (see attachments 2A-01 and 2A-02) submitted August 14, 2001 (and resubmitted in duplicate on January 14, 2004), "The only EPCRA Section 313 chemicals used in significant quantities at the facility are formaldehyde and methanol. However, formaldehyde and methanol are not used at quantities that exceed the 10,000 pound threshold."

"Significant quantities" of formaldehyde and methanol refers to the presence of those substances in the glues used to apply hardboard laminates, within the "otherwise used" 10,000-pound-threshold category (rather than "manufactured" or "processed") of TRI reporting requirements.

Numbers and Omissions Refute Exemption

Formaldehyde and Methanol Numbers Repeatedly Exceed 10,000 Pounds

We find the following numbers from DEQ records for years we have been able to obtain. In 1995, the panel gluing emissions were reported as 5.99 tons (11,980 pounds) for formaldehyde and 6.29 tons (12,580 pounds) for methanol (see 2A-03). In 1998 (2A-04) methanol emissions were 5.55 tons (11,100 pounds) and formaldehyde 2.99 tons (they had drastically changed their emission factors that year, a controversy we have addressed in another package of documents accompanying this submission). In 1999 (2A-05) they reported 5.3 tons (10,600 pounds) methanol, and in 2000 (2A-06, 2A-07) 5.4 tons (10,800 pounds) methanol. Therefore, it appears to us that the plant has for many years exceeded the 10,000-pound threshold for one or more chemicals, and therefore should have been filing EPCRA Section 313 / Toxic Release Inventory reports.

Ammonia Omitted from Calculations

Furthermore, there is at least one additional substance of significant quantity appearing in the plant's records that has not been addressed for EPCRA/TRI reporting calculations: ammonia. SECOR reported in a June 17, 1996 document (2A-08, 2A-09) that they assume that salts (presumably including ammonium salts) used in this facility are not VOCs. However, they reported in the August 14, 2001 document (2A-01, 2A-10, 2A-11) that the catalyst for the adhesive used at the plant contains an ammonium salt, and lists it as a potential pollutant source. For the years we have been able to obtain numbers from DEQ records, adhesive usage, calculated by dividing resin purchase by .5265 (the concentration of resin in the adhesive, see 2A-12) has been 11,345,581 pounds (1998, 2A-04), 10,614,339 pounds (1999, 2A-05), and 10,872,364 pounds (2000, 2A-13). The concentration of catalyst in the adhesive is listed as 1.32% (2A-12), thus the catalyst use would be 149,761 pounds (1998), 140,109 pounds (1999), and 143,515 pounds (2000). DEQ documents do not reveal what percentage of the catalyst is ammonia.

It therefore appears to us, from EPA 550-B-01-003, *List of Lists: Consolidated List of Chemicals Subject to the EPCRA and Section 112(r) of the Clean Air Act* (a page attached as our 2B-01) and EPA 745-R-00-005, *Emergency Planning and Community Right-to-Know Section 313: Guidance for Reporting Aqueous Ammonia* (2B-04 through 2B-20), that a significant amount of ammonia is likely TRI-reportable at the plant.

Other Identified Pollutants Also Possibly TRI-Reportable

Approximately 30 other hazardous air pollutants are listed in the plant's records in DEQ files, and in the company's Material Safety Data Sheets. However, we do not know whether this is a complete listing, and neither do we know the quantities of the materials used or emitted.

Unidentified UV-Finishing Department Pollutant Suspected to be Reportable

We are especially concerned about what is being emitted from the UV-finishing department. We have repeatedly experienced burning of the throat, nasal passages, and lungs due to strong, widespread, heavier-than-air releases of one or more pollutants from the UV-finishing department vents (which now point directly at the nearby residential area to the east). Thomas L. Henderson, regional DEQ director, advised us in a telephone call on December 22, 2003 that the likely UV finishing department irritant is toluene, but that it "is not a problem . . ." because only saturation to the point of filter failure could result in extreme emissions, and the company would not allow filter failure. However, the odor associated with the irritant(s) is not reminiscent of toluene. On some occasions, the odor and irritant(s) are accompanied by a white crystalline precipitation.

Our unsuccessful attempts to determine the identity of this airborne release led to our discovery that Columbia Forest Products - Chatham does not participate in the ECPRA toxics reporting program.

Peroxide Presence May Indicate Another Reportable Substance

In separate, non-simultaneous incidents, the surrounding area of at least a square mile is occasionally filled with an odor similar to hydrogen peroxide. We note that such an event could be associated with glycol ether (see 2A-17), which is in use at the plant (see 2A-14 through 2A-22). We do not know the quantities of glycol ether used at the plant.

Reportable Substances from Waste Processing Ignored

In what appears to be a significant oversight, TRI-reportable chemicals from the processing of waste products at the plant are entirely omitted, not only from unfiled TRI reporting, but also from all other emissions calculations at the plant. Obvious examples would include formaldehyde and methanol which are created from the plastics-containing wood waste products that are sawed, sanded, hogged, and burned at the facility. (See EPA 260-B-01-013, *EPCRA Section 313 Reporting Guidance . . .* , two pages from which are included as our attachments 2B-02 and 2B-03).

Burning of Plastics of Greatest Concern Among Waste Disposals

Our previously-mentioned appeal to the director of Virginia DEQ (2C-01 through 2C-32) is a discussion of the policy of Virginia DEQ's South Central Office which allows the plant to burn at least three types of plastics as "wood products," and in large quantities. This policy creates extreme hardship for the plant's neighbors, and at times for the town of Chatham as a whole. The fact that emissions from all points in the waste stream -- sawing, sanding, hogging, pneumatic transport, storage, burning, and hauling -- are not included in TRI reporting or air permit calculations seems ridiculous in view of the heavy, bitter, acrid smoke which regularly inundates the area.

We estimate that the plant burns a half million pounds of plastics (as resins, stains, and finishes from the sawed, sanded, and hogged material) per year (2C-09), and will probably significantly increase this quantity under the proposed new permit (see separate package). No emissions from this potentially dangerous disposal activity are reported by the company, as should be required.

Both Inclusions and Omissions Point to Need for TRI Reporting

The almost sole attention paid to the gluing and pressing operation (while ignoring the grossly offensive boiler smoke and the UV-finishing department emissions) in the air permit process seems terribly nearsighted and shortsighted. And, as noted above, even the formaldehyde and methanol numbers reported exceed the claimed exemption threshold.

Therefore, it seems evident that Columbia Forest Products - Chatham should be submitting toxics reports annually.