

To all those concerned:

This comment letter is intended to summarize and memorialize four permit issues identified by Reynolds during review of the draft National Pollutant Discharge Elimination System (NPDES) CA004821 Order R5-2023-XXXX (draft permit). The issues are:

1. Review Schedule
2. Plant Flow
3. BOD<sub>5</sub> Concentration
4. Temperature Study

Each issue is discussed separately in the following paragraphs.

### 1. Review Schedule

Reynolds submitted required forms and documentation for the renewal application of the existing NPDES permit CA0004821 Order R5-2017-0014 on March 31, 2021. Reynolds received an email notice from the Central Valley Regional Water Quality Control Board (Water Board) stating that the Water Board had completed review of the renewal application document and a PDF of the draft permit on February 7, 2023. After internal review, Reynolds requested a meeting (Teams) with the Water Board for February 13, 2023 for review of the permit. The meeting was scheduled by the Water Board. Reynolds was informed (upon inquiry) on February 16, 2023 that the draft permit would be posted for public comment on February 21, 2023. The Water Board subsequently developed two revised draft permits before posting the final draft permit for public comment on February 22, 2023.

Reynolds asserts that there was insufficient time provided by the Water Board for a thorough review of the 134 page draft permit before posting for public comment. Technically, the review period from the last draft permit (February 16, 2023) to the proposed public comment posting date was one business day (Friday, February 17, 2023). Monday, February 20 was a federal holiday.

### 2. Plant Flow

The permit renewal documents include EPA Application Form 2C Existing Manufacturing, Commercial, Mining, and Silvicultural Operations NPDES Permitting Program (Form 2C). Form 2C includes operational information concerning the discharge of treated wastewater and non-contact cooling water. Page 9 Table A, Row 6, Flow includes spaces for the Maximum Daily Discharge (required), the Maximum Monthly Discharge (if available), the Long-Term Average Daily Discharge (if available), and Number of Analyses.

The Maximum Daily discharge is reported as 1.27 MGD. This is not correct, and it is suspected that the Long-Term Average Daily Discharge was mistakenly entered in this location instead of the Maximum Daily Discharge. From 2016 to 2019, the identified Maximum Daily Discharge was 1.84 MGD, recorded on April 30, 2019. **Reynolds is requesting that 1.27 MGD be replaced with 1.84 MGD and that permit language be modified to reflect this change.**

The Long-Term Average Daily Discharge was recorded as NA on Form 2C. This number has been calculated to be 1.3 MGD. 1.3 MGD was calculated using daily total plant discharge flows recorded from 2016 to 2019. **Reynolds is requesting that NA be changed to 1.3 MGD and that permit language be modified to reflect this change.**

The Number of Analyses was recorded as 1,371. Upon review of the flow data recorded and reported to the Water Board, the Number of Analyses from 2016 through 2019 was 1,827.

Reynolds is requesting that 1371 be changed to 1,827 and that permit language be modified to reflect this change.

### 3. BOD<sub>5</sub> Concentration

The proposed Effluent Limitations for Five Day Biochemical Oxygen Demand (BOD<sub>5</sub>) are presented on page 5 in Table 4 of the draft permit. These limits are generated based on production rates for the facility for the applicable Subcategory - 40 C.F.R. part 430, subpart J for the Secondary Fiber Non-Deink Subcategory of the Pulp, Paper, and Paperboard Point Source Category assuming the best practical control technology (BPT). These discharge limits are calculated using production rates for the specific facility as presented on the permit application. The limits are in units of pounds per day and concentration values are in milligrams per liter. Discharge limits are then calculated using representative flow data for the facility. The Effluent Limitations in the draft permit are proposed at 242 lbs/day and 11.4 mg/L daily maximum and 99 lbs/day average monthly. The concentration limit proposed appears to be calculated using the design plant maximum daily discharge of 2.7 MGD and not the average daily flow from the facility. Utilizing the maximum daily flow for the permit results in a calculated concentration limit that is unreasonably biased low and not representative of the operating data for the plant.

Reynolds is requesting that the maximum daily concentration limit be calculated using 1.3 MGD, resulting in a maximum daily concentration limit of 22.4 mg/L and that language within the draft permit be modified to reflect the requested change in the BOD<sub>5</sub> maximum daily discharge limit. It is important to point out that this request is not to modify the mass limitation which is the basis for development of the limits for the facilities Subcategory.

### 4. Temperature Study

Reynolds submitted a year-long temperature study of the receiving water body with extensive monitoring as mandated in the present permit (R5-2017-0014) on November 5, 2020. As of March 24, 2023, Reynolds has not received an official review of the study from the Water Board.

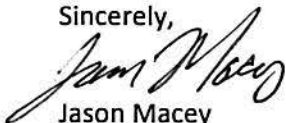
The 2020 Temperature Study was developed based on a detailed advance work plan reviewed by several federal agencies and the Water Board. The draft permit proposes a new temperature study on a shorter time frame without any work plan or prior consultation with relevant federal and state agencies. In addition, the proposed timeline does not allow for periods of review and consultation before moving to subsequent actions.

Reynolds asserts that the actions mandated in the draft permit are premature and is concerned that it will perform the updated temperature study requested in the draft permit only to have to repeat the study a third time if the other agencies or the Water Board later identify additional data requests that could have been incorporated if the permit provided time for advance consultation.

Any actions associated with the Temperature Study should be identified after appropriate federal and state agency review and comment of the November 2020 Temperature Study.

Reynolds proposes instead a schedule with preliminary consultation and an orderly phased approach where each task only begins after completion and agency approval of the preceding step.

Sincerely,



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