Humboldt Baykeeper

Humboldt Baykeeper submitted comments on the draft NPDES permit (Order No. R1-2009-0033) on April 29, 2010. Humboldt Baykeeper expressed concerns related to historical soil and groundwater contamination at the site, the discharge of dioxin/furans through the ocean outfall, and biological monitoring to ensure that dioxins/furans are not accumulating in the environment or in species of commercial and recreational interest. The following are staff responses to significant comments from the Humboldt Baykeeper:

Comment 1: Historical Site Contamination. Humboldt Baykeeper has concerns regarding the historical contamination at the facility, and urges the Regional Board and the Discharger to ensure that all actions taken at the facility as a result of this permit or as a result of the facility resuming operations take this into consideration.

> **Response:** Comment noted. The draft NPDES permit authorizes only the discharge of pulp processing wastewaters and water treatment sludge generated during the treatment of source water from the Mad River for the pulping process. Other waste discharges, including wastes removed from the soil as a result of soil and groundwater cleanup activities that occur on site, are not authorized by this NPDES permit. Activities related to the construction of the proposed wastewater treatment plant will be considered as part of the required environmental review under the California Environmental Quality Act (CEQA).

Comment 2: Dioxins and Furans Monitoring. Humboldt Baykeeper has ongoing concerns regarding the potential for specific contaminants, namely dioxins and furans, to have a negative impact upon the environment, and is pleased to see that the permit does contain effluent limitations for dioxins. They believe that there should be no allowable discharge of dioxin from the facility and that any detection should constitute a violation. They believe that it is unclear whether the effluent sample will be filtered prior to its analysis. Baykeeper believes that because dioxins are know to adhere to organic material, any analysis must be performed on an unfiltered whole effluent sample in order to properly determine whether discharge is occurring.

> **Response:** A requirement that any detection of dioxin (expressed as TCDD Equivalents) in the effluent discharge would constitute a violation, as the Commenter requests, would be inconsistent with the California Ocean Plan. The Ocean Plan allows for a discharge of TCDD Equivalents from a permitted Discharger as long as the water quality objective of 0.0000000039 micrograms per liter is not exceeded in the ocean. Effluent limitations and routine effluent monitoring requirements are established in the draft NPDES permit to ensure consistent compliance with the water quality objective.
>
> EPA Method 1316B includes a laboratory filtration step if there are visible particles in the sample. However, both the filter and filtrate are extracted and combined prior to analysis so any dioxins adhered to organic material or sediments will be recovered

and included in the final analytical result. Filtration of the sample in the field, although not expressly prohibited in the draft NPDES permit, would not be consistent with acceptable sample collection procedures.

Comment 3: Biological Monitoring for Bioaccumulation of Dioxin/Furans. In addition to the toxicity testing and effluent monitoring that will be conducted under this permit, Humboldt Baykeeper believes that it would be appropriate to include a requirement for analysis of biological samples, specifically sampling of species that are known to be consumed by local residents. Baykeeper asserts that because the discharge point is within an area that is known to be used for commercial and recreational fishing and crabbing, the permit should contain a requirement for sampling and analysis of those species, especially should there be any detection of dioxins or furans within the pulp mill effluent. Baykeeper requests that analysis of crabs' hepatopancreas should be conducted in order to ensure that dioxins and furans are not bioaccumulating within the environment and posing a risk to commercial and recreational consumers.

Response: The draft NPDES permit includes monitoring requirements to assess whether HCH, DDT, Aldrin, and TCDD equivalents are accumulating in the muscle and hepatopancreas tissue of Dungeness crabs. See section VIII.D of the Monitoring and Reporting Program for details of the bioaccumulation monitoring requirements.