

Freshwater Tissue Company

Freshwater Tissue Company (hereinafter Discharger or FTC) submitted comments on the draft NPDES permit (Order No. R1-2009-0033) on April 30, 2010. The comments identified errata, requested clarification of certain provisions of the draft Order, or requested changes to the draft Order. Errata identified and minor changes requested by the Discharger and accepted by Regional Water Board staff have been incorporated in the revised draft Order. The following are staff responses to significant comments from the Discharger:

Comment 1: Coordinates of Discharge Point 001. Page1, Table 2; Page E-2 - Table E-1A; and Page F-5 – Section II.B - The coordinates for Discharge Point 001 should be corrected as follows:

Latitude - 40 Degrees, 49', 10" N; Longitude -124 Degrees, 13', 32" W. This correction should also be made where appropriate on Page E-2, Table E-1A (fourth row); and Page F-5, Section II.B.

Response: The draft Order has been revised to reflect this **request.**

Comment 2: Operational Status of Mill. Page 5, Section II.B - Freshwater owns but has not yet operated the Mill in the sense suggested by this language. Since it acquired the Mill in February 2009, Freshwater has not produced pulp or conducted any other activities that require an industrial process discharge permit.

Response: The draft Order has been revised to reflect this **request.**

Comment 3: Effluent Limitations for HCH, Aldrin, DDT, and TCDD Equivalents. Page 11, Section IV.A.1, Table 7, and Section IV.A.2, Table 8 - The Draft Order imposes effluent limits for pesticides (HCH, Aldrin and DDT) in the Mill's wastewater, during both bleached and unbleached pulp production. These materials will not be, and to our knowledge have not been, used or present at the Mill. The Draft Order also imposes effluent limits for TCDD equivalents (dioxin). The total chlorine free ("TCF") bleaching process employed at the Mill eliminates the risk of formation of dioxin in the Mill's process wastewater during bleached pulp production. The federal Effluent Limitations Guidelines ("ELGs") reflect this fact by excluding TCDD from the compounds for which effluent limitations (in this case, best available technology economically achievable, or "BAT," effluent limitations) may be established, where fiber lines in the production of bleached pulp use an exclusively TCF process. See 40 CFR §§ 430.24(a)(1) and (a)(2). The absence of a bleaching agent of any kind during unbleached production eliminates the risk of dioxin formation as a result of production of this product, a fact recognized in the ELGs by its exclusion from possible BAT limits. 40 CFR § 430.34. Simply put, the Mill is not a source of pesticide or dioxin contamination.

Response: A reasonable potential analysis (RPA) was performed using effluent monitoring data from 2003 through 2008 for dioxin and furans, and effluent monitoring data from 2005 through 2008 for HCH, Aldrin, and DDT. The RPA was conducted in accordance with the Ocean Plan's RPA procedure and resulted in affirmative reasonable potential for the pollutants because the concentration of these pollutants in the effluent exceeded the applicable water

quality objectives, even after adjusting the observed maximum effluent concentration for the Facility's minimum probable initial dilution of 115:1 (expressed as parts seawater per part wastewater). The laboratory report did not indicate that there were any irregularities in the analytical procedures or results. NPDES regulations at 40 CFR 122.44(d) require that permits include water quality-based effluent limitations where necessary to achieve water quality standards. The fact that the Discharger can not readily identify obvious sources of pesticides and dioxins/furans does not negate the fact that HCH, aldrin, DDT and TCDD equivalents were detected in the discharge at concentrations, after adjusting for dilution, above the most stringent applicable water quality objectives for these pollutants. No change to this section is required.

Comment 4: Effluent Limitation of Adsorbable Organic Halides (AOX). Table 8 includes an effluent limitation for AOX (adsorbable organic halides), a bulk parameter that measures the total mass of chlorinated organic matter in water and wastewater. AOX does not appear as a possible BAT limit in the ELGs for unbleached kraft facilities. 40 CFR § 430.34. Imposition of this limit is unnecessary and inappropriate, and we request that it be removed from the Order.

Response: The draft Order has been revised to reflect this request.

Comment 5: Effluent limitation for pH. Table 8 includes an instantaneous minimum pH limit of 5.0. The limit set forth in the ELGs for unbleached kraft facilities is 6.0. See 40 CFR §§ 430.32, 430.33.

Response: The draft Order has been revised to reflect this request.

Comment 6: Toxicity Reduction Evaluation (TRE) Workplan. Page 17, Section IV.C.2.a.ii - This section requires Freshwater to prepare a TRE workplan and submit the plan to the Water Board by December 1 2010. Routine discharge monitoring reports submitted to the Water Board demonstrated that Mill effluent has been continuously in compliance with applicable chronic toxicity limitations. Therefore, a TRE should not be required for the Mill's expected discharge. Since it is unlikely that a TRE will be required, requirement to prepare a TRE work plan in advance is unnecessary.

Response: A TRE Workplan is a brief document (1-2 pages) that describes the steps the permittee will follow in the event that toxicity is detected. It should include a description of the investigation and evaluation techniques that would be used to identify potential causes or sources of toxicity, effluent variability, and treatment system efficiency. It would also include a list of chemicals used in the operation of the facility and best management practices implemented at the facility to minimize spills that could cause effluent toxicity. The intent of the requirement to submit a TRE Workplan before toxicity is detected is to facilitate a timely response, included accelerated toxicity monitoring, to a failed chronic toxicity test.

Comment 7: Toxicity Reduction Evaluation (TRE) Action Plan. Page 17, Section IV.C.2.a.iii - Subparagraph (a) requires that a TRE be initiated within 30 days of the date of completion of the accelerated monitoring test, required by section V of the MRP, if that test exceeds the chronic

toxicity water quality objective. Freshwater asks that the Water Board ensure that this provision is consistent with Section V.A.8.c of the MRP, which requires submittal of a TRE Action Plan be submitted within 30 days of laboratory notification of test results exceeding the monitoring "trigger" during accelerated monitoring. As described later in comments on the MRP, Sections V.A.8.c of the MRP is also in conflict with the requirements of Section V.A.8.b of the MRP.

Response: The requirement to submit a TRE Action Plan has been removed from the draft Order. In the event of an exceedance of the toxicity trigger during accelerated monitoring, the Discharger should proceed with the TRE in accordance with its TRE Workplan within 30 days of the date of completion of the monitoring test that exceeded the toxicity trigger.

Comment 8: Use of Median Value for Compliance Purposes. Page 20-21, Section VII.C - This section requires using the median of a data set to assess compliance with effluent limitations in circumstances where data is reported as detected, but not quantified or not detected. This requirement conflicts with certain federally applicable effluent limitations guidelines and their respective compliance determination methods. 40 CFR §122.45(d) requires that all permit limits be expressed, unless impracticable, as monthly averages and daily maximums. There are no provisions for substituting median values for averages in prior NPDES permits or the effluent limitations guidelines.

Response: The compliance determination for Multiple Sample Data included in the draft Permit was taken from Section III.C.8 (page 17) of the California Ocean Plan, approved by the USEPA on February 14, 2006. As stated in the opening paragraph of Section VII of the draft Order, this protocol for compliance determination in the Ocean Plan applies only to effluent limitations established from Table B water quality objectives. This protocol does not apply to effluent limitations based on effluent limitation guidelines for the Pulp, Paper, and Paperboard Point Source Category in 40 CFR 430.

Comment 9: Inaccurate Facility Map and Flow Schematic. Page B-1, Attachment B (Map) and Pace C-1, Attachment C (Flow Schematic) – The Discharger would like to clarify that the Samoa Pulp Mill is no longer the "Evergreen Pulp, Inc." mill, as labeled on this map and the flow schematic.

Response: The draft Order has been corrected.

Comment 10: Standard Provisions-Records Retention for Sewage Sludge. Page D-5 - Section IV.A - The reference in the opening clause to records of monitoring information related to use and disposal of sewage sludge is inapplicable and should be removed to avoid confusion.

Response: Attachment D of the draft Order includes all federal standard provisions and must be included with all NPDES permits. Section IV.A of the draft Order is based on 40 CFR 122.41(j)(2). Because the Samoa Pulp Mill does not currently generate sewage sludge, Section IV.A of the draft Order does not apply.

Comment 11: Twenty-Four Hour Notification. Page D-8, Section E.1 - Freshwater suggests a clarification specifying that the reporting required by this section is to the Regional Water Board.

Response: Section IV.E of the draft Order requiring twenty-four hour notification in the event of noncompliance that may endanger public health or the environment is based on 40 CFR 122.41(j)(2). It is commonly understood that the State of California, as a state authorized to implement the provision of the Clean Water Act, is the party to whom notification is provided. No clarifying language is necessary. However, Section IV.E incorrectly specifies a 2 hour reporting requirement that is inconsistent with federal regulations. **The error has been corrected in the revised draft Order.**

Comment 12: Monitoring for AOX. Page E-4, Section III.A, Table E-2 (Internal Monitoring INT-001) - The reference to "unbleached pulp" in the column labeled "Minimum Sampling Frequency" with respect to AOX sampling should be corrected to "bleached pulp."

Response: The draft Order has been **corrected.**

Comment 13: Monitoring Frequency for BOD₅, TSS, and Table B Pollutants. Page E-4, Section IV.A.1, Table E-3 - Freshwater requests that the weekly minimum sampling frequency for BOD and total suspended solids (TSS) in the prior Waste Discharge Requirements Order/NPDES permit for the Mill, and in the draft Order No. RI-2008-0073 prepared in 2008 in connection with the renewal application by the Mill's previous owner, be restored. Freshwater is unaware of regulations mandating daily monitoring, or of any factual basis for suggesting that daily sampling would result in an improved understanding of BOD and TSS content in the Mill's wastewater discharge. Imposing a daily sampling regime would significantly increase Freshwater's operating costs, with no environmental or regulatory benefit.

Similarly, the frequency of monitoring for the "Table B" chemicals or compounds has been doubled from annual (in the prior permit and the 2008 draft order) to semiannual monitoring. The Water Board's "reasonable potential analysis" (RPA) for many of these compounds led to Endpoint 2, meaning not only that a water quality based effluent limit is not required, because there is no reasonable potential to exceed a receiving water quality standard, but also that monitoring is usually not required, and, where it is, it would only be "possible occasional monitoring."

Finally, in light of the low measured levels for HCH, TCDD equivalents, Aldrin and DDT, Freshwater requests that monitoring for HCH should be conducted on the same schedule as these other three compounds. Compliance with the Ocean Plan can be attained through semi-annual monitoring, but at the least the-monitoring should be conducted simultaneously for all four of these compounds on a quarterly basis.

Response: Monitoring frequencies in NPDES permit are established after consideration of a number of factors, including environmental significance and nature of the pollutant, cost of monitoring relative to the Discharger's capabilities and benefit obtained, compliance history, number of samples used in developing the permit limit, effluent variability, and monitoring

requirements in the expiring permit. Regional Water Board staff considered these factors in establishing monitoring frequencies for BOD₅, TSS, and Table B Pollutants in the draft Order.

In setting the monitoring frequency for BOD₅ and TSS for the draft Order, staff retained the daily monitoring requirements in the previous permit for the Samoa Pulp Mill, WDR Order No. R1-2004-0047. Daily monitoring for BOD₅ and TSS was also recommended by the USEPA in its response to the 2008 draft Order for the pulp mill, based on its evaluation of the factors described above for the pulp mill.

The requirement for semiannual (2 times per year) monitoring for Table B constituents without reasonable potential is relaxed compared to the quarterly frequency specified in WDR Order No. R1-2004-0047 for the Samoa Pulp Mill. For Table B constituents with reasonable potential but infrequently detected in the effluent or detected at concentrations significantly below water quality objective (i.e., TCDD equivalents and Aldrin), the quarterly monitoring frequency in the previous permit was retained. In the draft Order, the monitoring frequency for HCH was increased from quarterly to monthly because HCH was detected in the effluent in six of fourteen quarterly effluent samples collected from 2005 through 2008. The monitoring frequency for DDT, set at quarterly in the draft Order, has been revised to require monthly sampling because the maximum effluent DDT concentration, adjusted for dilution, in three of the fourteen samples exceeded the water quality objective for DDT.

Comment 14: Sampling Frequency for TSS. Page E-7, Section IV.B.1, Table E-3 - The minimum sampling frequency for TSS is listed as weekly during unbleached pulp production. The reference to "unbleached" should be removed, as the purpose of this monitoring does not depend on the grade of pulp produced.

Response: The table titled "Effluent Monitoring EFF-002" has been revised to remove the reference to unbleached pulp production. Weekly monitoring of the water treatment plant underflow (EFF-002) is required during both TCF bleached and unbleached pulp production.

In addition, the table titled "Effluent Monitoring EFF-002" has been renumbered as table E-4 in the revised draft Order.

Comment 15: Accelerated Monitoring for Chronic Toxicity. Page E-9 - Section V.A.8 - Freshwater suggests this section be clarified to provide that when accelerated monitoring is initiated, such increased monitoring requirements apply only to the species for which chronic toxicity monitoring exceed the applicable monitoring trigger. The purpose of accelerated monitoring requirements will be fully achieved without incurring the significant additional expense of accelerated monitoring of unaffected species.

Subsection 8(b) requires that, in the event a toxicity trigger level is exceeded, the discharger is to make corrections to the facility and continue accelerated monitoring until four consecutive tests do not exceed the trigger level. Subsection 8(c) requires that, in the event a toxicity trigger level is exceeded, the discharger is to cease accelerated monitoring and initiate a TRE. These requirements conflict with one another. Section 8(a) contains yet additional conflicting

requirements, but appears to contain the correct TRE provisions, " ... if there is adequate evidence of a pattern of effluent toxicity, the Regional Board's Executive Officer may require that the discharger initiate a TRE." As noted previously, Subsection V.A.8.c of the MRP also conflicts with Section VI.C.2.a.iii of the Draft Order.

Response: The Discharger's confusion may be as a result of new terminology in the chronic toxicity requirements. The procedure for accelerated monitoring is not complicated, and can be summarized as follows:

If, in the course of routine toxicity monitoring (specified as 2 times per year in the draft Order), the monitoring result exceeds the trigger of 116 TUc, the Discharger must initiate accelerated monitoring. Accelerated monitoring consists of the collection and analysis of additional toxicity samples to confirm persistent toxicity. If the cause of the toxic sample is obvious, a plant upset or spill are the most obvious examples, the Discharge must correct the cause of the upset or spill and collect and analyze four additional toxicity samples to confirm that the corrective actions undertaken by the Discharger resolved the toxicity issue. If the cause of the toxicity is not immediately known, the Discharge must collect and analyze four additional toxicity samples. If none of the four additional samples exceed the trigger of 116 TUc, then the toxicity event is anomalous or episodic and is not amenable to a TRE and the Discharger may return to routine toxicity monitoring. If, during the course of the accelerated monitoring, any of the four additional samples exceeds the trigger of 116 TUc, the Discharger must initiate a TRE. The required TRE Workplan should be consistent with the procedure just described and should contain additional details as described in staff's response to Comment 6.

Decisions as to which species to use for accelerated monitoring will be dependent on the nature of the toxic event, the degree to which toxicity extends to each species tested, and specific permit requirements. If accelerated monitoring is triggered during the 3-species screening phase and more than one species is significantly affected, then the Discharger should initiate accelerated monitoring with all significantly affected species. If accelerated monitoring is triggered after the screening phase, during testing with the most sensitive species (see the response to Comment 16), the test species should be the same species that triggered the accelerated monitoring requirement. A discussion of the various contingencies and the Discharger's responses can be included in the Discharger's TRE Workplan, which will be reviewed and approved by the Regional Water Board Executive Officer.

Comment 16: Chronic Toxicity Screening Period. The Draft Order should also reflect the provision of the Ocean Plan (Appendix 11I) specifying that after a screening period, monitoring can be reduced to the most sensitive species.

Response: The draft Order has been **revised to reflect this request.**

Comment 17: Offshore Monitoring Requirements. Page E-12, Section VIII.A.1, Table E-6 - Freshwater has serious concerns about the possible imposition of an annual offshore monitoring requirement. Freshwater acknowledges that the Water Board staff is prepared to consider flexibility in the frequency of offshore monitoring, as reflected in footnote 2. However, in light of the volume of available historical offshore monitoring data, it is not clear that two monitoring events

over what will be at most a 4½ year period of operations over the five year permit term will provide more valuable data than one monitoring event over this period would provide. We request that the Draft Order be revised at least to allow for the possibility that only one offshore monitoring event will be required over the life of the permit, based on the results of the first event, so as to avoid limiting the Water Board's informed exercise of discretion in this regard. Such monitoring exercises are exceedingly expensive, typically costing in the hundreds of thousands of dollars per event.

Response: Recent water column monitoring of the vicinity of the mill outfall has been limited. Water column monitoring during the 2007 study of the extended outfall, 2007 Receiving Water Monitoring Report – Evaluation of Dissolved Oxygen and Sediment Effects, focused only on dissolved oxygen, salinity, temperature and density and did not investigate other Ocean Plan water quality objectives such as turbidity, pH, oil and grease, transmittance, and particulate matter. Periodic water column monitoring provides not only the ability for the Regional Water Board to assess level of compliance of the discharge with the Ocean Plan, but also the opportunity for Discharger to demonstrate its full compliance with the Ocean Plan.

Comment 18: Commencement of Operation. Page E-12, Section VIII.B and Table E-7 - The reference to 2009 appears to be carried over from the draft order circulated for comment in 2008, when the former owner was actively operating the Mill and was expected to continue to do so in 2009, the first full calendar year of operations following the anticipated issuance of the draft permit in final form in late 2008. Under the circumstances, this reference should be corrected to read "Within one year of commencement of production of pulp by the Discharger." Freshwater anticipates that pulp production will recommence at the Mill in late 2010.

Response: The draft Order has been revised to reflect this request.

Comment 19: Frequency of Benthic Monitoring. Proposed Ocean Plan amendments in August 2006 provided for benthic community monitoring at least once per permit cycle by non-storm water point source dischargers greater than 10 MGD. The Draft Order would impose biennial monitoring, which is 2½ times more frequent than is necessary based on this proposed amendment. Again, the monitoring costs associated with ocean receiving water monitoring are extremely high, and at this point it is a matter of speculation whether such frequent monitoring events will yield more useful information than could be obtained in a single monitoring event during the permit cycle. Freshwater respectfully urges the Water Board to avoid limiting its informed exercise of discretion by allowing in the Final Order for the possibility that only one benthic sediment monitoring event will be required during the permit cycle.

Response: Regional Water Board staff is aware of the benthic monitoring requirement under consideration within the Ocean Standards unit at the State Water Resources Control Board. This proposed frequency is still in draft status and may change during public review. The frequency cited above is a minimum frequency. The Samoa Pulp Mill has a design flow of 20 MGD and there is reasonable potential to exceed water quality objectives for HCH, aldrin, DDT, and TCDD Equivalents. Staff has determined that biennial (every other year) monitoring is not unreasonable.

Comment 20: Commencement of Trawling. Page E-13 - Section VIII.C - For reasons explained above, please change the phrase "Trawling shall be conducted every other calendar year, beginning in 2009," with "Trawling shall be conducted once every 24 months, with the first trawling event to take place within one year of commencement of production of pulp by the Discharger."

Response: The draft Order has been revised to reflect this **request.**

Comment 21: Necessity of Bioaccumulation Monitoring. Page E-14, Section VIII.D - As explained above, pesticides are not used at the Mill and dioxin formation is impossible during unbleached pulp production and precluded during bleached pulp production by the TCF bleaching process. The requirement for bioaccumulation monitoring and tissue analyses specifically for HCH, DDT, Aldrin and TCDD equivalents is not required by regulation or policy with which Freshwater is familiar, and is unjustified under the circumstances of Freshwater's proposed operations. We request that these requirements be removed from the Order.

Response: See staff's Response to Comment 3 (Freshwater Tissue Company) regarding the finding of reasonable potential for HCH, DDT, Aldrin and TCDD equivalents. Because these pollutants can accumulate in aquatic organisms, bioaccumulation monitoring is prudent.

Comment 22: Production Reporting Requirements 1. Page E-14, Section IX.A.1 - Freshwater requests that this provision be removed as unnecessary and inappropriate, since the information is already reported in the monthly and annual discharge monitoring reports, and compliance with the separate BOD and TSS limits based on the grade of product produced on any particular day is evaluated at that time. The regulatory basis for including this provision, 40 CFR §122.45(b)(2)(ii)(B)(I) (see page F-30), applies only when there are "alternate permit limitations, standards, or prohibitions based upon anticipated increased (not to exceed maximum production capability) or decreased production levels." See 40 CFR § 122.45(b)(2)(ii)(A)(I). A change in production from bleached to unbleached pulp, or vice-versa, is not an increase or decrease in production volume. Thus the requirements of Section 122.45(b) do not apply here. If the Water Board requires the notification anyway, at a minimum it should be revised to require advance notification only of anticipated or planned shifts in production from bleached to unbleached pulp, or vice versa. ⁴ From time to time it may be necessary to shift from production of one grade to production of the other on short notice; for example, a malfunction at the bleach plant may necessitate a rapid shift to production of unbleached pulp. As the provision is currently written, Freshwater could not comply with the notice requirement without shutting down the Mill altogether and restarting two business days later. Shutdowns disrupt operations, they present the greatest opportunity for upsets or imbalances that can cause the generation of odorous emissions, and they are costly. If such a provision is retained, as modified, in the final Order, it would be acceptable to Freshwater to include a provision requiring notice of unplanned shifts in product manufacture within, say, two business days following the shift.

Response: The requirement to provide prior notification of a production shift has been **removed from the draft Order.**

Comment 23: Production Reporting Requirements 2. Page E-15, Section IX.A. 3 and 4 - The justification for daily reporting of pulp production and, especially, of ISO brightness, is unclear, and is not justified in the Fact Sheet (It is assumed that the phrase " shall also be reported" in subparagraph 4 reflects an intent to require daily reporting of ISO brightness.) Reporting of production is already mandated to be performed on a monthly basis. Reporting on a daily basis presents a significant burden to the Mill. It is not clear what regulatory use could be made of this information each day. Freshwater requests that these requirements be removed from the Order.

Response: The requirement to report ISO brightness has been removed from the **draft Order.**

Comment 24: Calculation Methodology for Daily Maximum and Monthly Average Effluent Limitations. Page E-15, Sections IX.A.5, 8 and 9 - The calculation methodologies for determining compliance with daily maximum and monthly average effluent limitations, as set forth in these subparagraphs, are incorrect. Significant errors in calculation of mass emission rates will be inevitable if the proposed methodology is applied, since it is not uncommon at a pulp mill for flows that include BOD or TSS - condensates and flows from recovery functions - could be discharged on the same day that the pulp machine has been turned down, or turned off, or, conversely, when condensates and recovery functions are eliminated or reduced but there is still pulp to be produced by the pulp machine. In the former case, if the formulation set forth in the Draft Order is applied, the computed mass emission rate would be excessively and inaccurately high; in the latter case it would be excessively and inaccurately low.

Response: The descriptions in sections IX.A.5, 8 and 9 have been **revised to be consistent with the footnotes in Table 7 and 8.**

Comment 25: Monitoring Location of Daily Mass Emission Rate for TSS. Page E-15, Sections IX.A 6 and 7 - The daily mass emission rates of TSS should be determined from the daily mass of solids computed at monitoring point EFF-001 for both bleached and unbleached pulp production.

Response: As explained in the Fact Sheet (page F-29-30), when the effluent limitations guidelines ~~for~~ were revised in 1998 for subparts B (Bleached Papergrade Kraft and Soda) and E (Papergrade Sulfite), the definition of "process wastewater" at 40 CFR 430.01 (m) was modified to specifically include "wastewaters from water treatment and other utility operations." The requirement that the suspended solids load from the water treatment plant must be included in the mass discharge of suspended solids during the production of bleached pulp was a literal interpretation of that federal regulation and this interpretation was initially supported by USEPA. USEPA has since reconsidered stating that "wastewater containing suspended solids generated from source water treatment is considered [dfl1]"process water" within the definition of 40 CFR Part 430, so long as that wastewater stream is not mixed and co-treated with other process wastewaters (which comes into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product) at the mill."

Accordingly, the requirements in Page E-15, Sections IX.A 6 and other requirements in the draft Order that require combining solids from the water treatment plant with solids from the pulp process wastewater will be [df12] remove or appropriately revised.

Comment 26: Reporting of Monitoring More Frequent than Order. Page E-15, Section X.B.2 - This provision should be clarified to state that the self-monitoring report must include information on monitoring of pollutants conducted in accordance with test procedures approved under 40 CFR Part 136 or as specified in the Order. Specifically, the provision should be revised to state: "If the Discharger monitors any pollutant more frequently than required by this Order, *using test procedures approved under 40 CFR Part 136 or as specified in this Order*, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR." This will bring this provision into consistency with other provisions of the Draft Order, including Section X.d.2.a, which utilizes the language we are proposing.

Response: The draft Order has been revised to reflect this comment.

Comment 27: Commencement Dates for Effluent Monitoring. Page E-17, Section X.B.3, Table E-8 - The monitoring periods for continuous, daily, and weekly monitoring described in this table would all begin on June 10, 2010, the date the Water Board is scheduled to consider the Draft Order, and monthly monitoring would commence in July 2010, the first calendar month following the Board's meeting. Freshwater understands that the Water Board wishes to ensure that monitoring take place at all times during the life of the Order, and Freshwater is not opposed to this objective in principle, but June 10 and July 1, 2010 commencement dates are unworkable for two reasons. First, it is conceivable - though of course Freshwater hopes this is not the case - that the permit may not be effective on June 10. Second, there will be no Mill flows to monitor on June 10, 2010, or on any date thereafter, until the Mill begins to receive water from the Mad River and to cycle it through the Mill. Freshwater urges the Water Board to revise the monitoring period commencement dates to line up with the commencement of water flows through the Mill.

Additionally, as the Water Board is aware, there will not be process wastewater flows from the Mill for many months. Freshwater does not expect to commence pulp production until December 2010. The discharges that are expected in the meantime are discharges associated with Mill cleaning, maintenance, equipment performance testing, and the like. For reasons explained above, there is no technical justification for requiring Freshwater to sample for BOD and TSS on a daily basis when the Mill is producing pulp; there is even less justification for requiring it when the Mill is not producing pulp. At a minimum, the sampling regime should be relaxed during the pre-production period. Similarly, other sampling and monitoring proposed in the Draft Order, such as semiannual testing for Table B compounds, if required (which it should not be), must, under Table E-8 as currently written, take place before the Mill commences production, since six months will elapse after June 10, 2010 before production starts. The results of all this pre-operations sampling will therefore have nothing to do with the point of the monitoring requirement, which exists because the Mill will produce pulp. The monthly, quarterly and semi-annual sampling and reporting requirements should therefore not apply during the pre-production period.

Response: The Regional Water Board staff's justification and rationale for daily monitoring of effluent BOD and TSS during pulp production are explained in staff's response to Comment

13. For the period prior to commencement of pulp production, staff believes that daily monitoring is appropriate, at least initially, because the discharges associated with Mill cleaning, maintenance, equipment performance testing have not been well characterized and may be highly variable depending on day-to-day activities. However, a footnote has been added to the applicable MRP table state authorizes the Executive Officer to reduce the monitoring frequency of BOD and TSS during pre-production to an appropriate frequency after enough data is collected to demonstrate that the effluent quality is not so variable so as to require daily sampling.

Requirements for monitoring of Ocean Plan Table B are in place to demonstrate compliance with applicable effluent limitation water quality objectives in the Ocean Plan. sQuarterly, and [df13]

Comment 28: Authorized Signatory. Page F3, Section 1 (Table 1) - Please identify me as the "Authorized Person to Sign and Submit Reports." My telephone number is 707-441-2801.

Response: The draft Order has been revised to reflect this request.

Comment 29: Compliance Summary and Aldrin. Page F-6, Section II.D – As noted above, the single reported Aldrin exceedance, referred to in the Compliance Summary, appears to have been in error, rendering the data unreliable.

Response: See response to Comment 3, above.

Staff Response to Discharger comments on the 2008 draft NPDES permit for Evergreen Pulp, Inc., Samoa Pulp Mill. The comments were originally submitted on October 24, 2008 by Evergreen Pulp, Inc. Freshwater Tissue Company incorporated these comments into its comments on the 2010 draft NPDES permit for the Samoa Pulp Mill. Many of the changes requested in 2008 were incorporated into the 2010 draft permit that is currently available for review.

Comment 1: Section I, Table 4: Design Flow and Section II.A, Background. The facility design flow of 13.6 million gallons per day indicated in Table 4 and in Section II.A are incorrect. The Discharger requests modification of the permit to reflect the actual maximum design flow of 20 million gallons per day.

Response: The 2010 draft Order was revised to incorporate the requested change.

Comment 2: Waste Discharge Requirements, Section IV.A.1 and IV.A.2, Effluent Limitations for pH

The effluent limitations for pH in the draft Permit failed to include an important provision of the effluent limitation guidelines at 40 CFR 401.17 for permits where effluent pH is continuously monitored.

Response: The 2010 draft Order was revised to incorporate the requested change.

Comment 3: Waste Discharge Requirements, Section IV.A.1, Effluent Limitations for Aldrin

The Discharger questions the validity of monitoring results from the first two quarters of 2006, on which the determination of affirmative reasonable potential for aldrin is based. The Discharger requests clarification why the summary of the results of the reasonable potential analysis for aldrin states that 9 of 10 samples were nondetect when there were two detectable concentrations in the first two quarters of 2006.

Response: The analytical result for aldrin from the second quarter 2006 (sample date, 4/26/06) was flagged by the laboratory, which noted: "GC or HPLC confirmation was exceeded. The relative percent difference is greater than 40% between the two analytical results (25% for CLP Pesticides)." Consequently, the result of 0.21 ug/L reported for 4/26/06 was not used in the reasonable potential analysis and not counted in the summary of results. The result of 0.055 ug/l reported for 2/7/06 exceeds the water quality objective for aldrin. There is no evidence to suggest that is not valid. No change in the reasonable potential determination is appropriate.

Comment 4: Waste Discharge Requirements, Section IV.A.1, Effluent Limitations for DDT

The Discharger questions the validity of the reported detections of DDT during analysis of the first and second quarters of 2006 because DDT was detected during the analysis and DDE, a breakdown product of DDT, was not. The opposite occurred during the second quarter monitoring event.

Response: The failure to concurrently detect DDT and all or any one of its breakdown products in one sample does not invalidate the affirmative test result. The laboratory report does not indicate ~~that~~ any irregularity in the analytical procedure or result. No change in the reasonable potential determination is appropriate.

Comment 5: Waste Discharge Requirements, Section IV.A.1, Effluent Limitations for HCH

The Discharger questions the validity of the reported detections of HCH, the sum of the alpha, beta gamma, and delta isomers of hexachlorocyclohexane, because HCH is not a compound of concern in pulp mill effluents and there is no reasonable potential for these pollutants to be present in the Mill effluent discharge. However, the Discharger acknowledges that HCH is sporadically detected in the effluent at low levels.

Response: Alpha-BHC was detected at concentrations greater than the water quality objective for HCH in almost half of the samples from 2003 through 2007. The laboratory report does not indicate that any irregularity in the analytical procedure or result. No change in the reasonable potential determination is appropriate.

Comment 6: Waste Discharge Requirements, Section IV.A.1, Effluent Limitations for TCDD

The Discharger notes that the Evergreen Mill is a TCF mill and has the lowest discharge of TCDD in North America among bleached kraft mills, with monitoring results frequently below the levels of detection. The Discharger requests a reduction in monitoring frequency from monthly to quarterly.

~~You~~ We also request the establishment of a permit provision to reduce quarterly monitoring to

annual monitoring in the event that quarterly monitoring demonstrates that the Evergreen Mill is not a significant discharger of TCDD.

Response: The justification for the finding of reasonable potential is discussed in the staff response to Comment 3 (Freshwater Tissue Company) and rationale for establishing quarterly monitoring for TCDD equivalents is provided in the staff response to Comment 13 (Freshwater Tissue Company).

Comment 7: Waste Discharge Requirements, Section IV.A.2, Monitoring Location

Table 8 indicates that effluent limitations are to be measured at Monitoring Location INT-001. The correct Monitoring Location should be EFF-001.

Response: The draft Permit has been changed to correct the error.

Comment 8: Waste Discharge Requirements, Section IV.A.2, Units of Measure of BOD and TSS Limitations.

The unit of measure for BOD and TSS in Table 7 and Table 8 should be in pounds per day, not pounds per day per 1,000 pounds of pulp.

Response: The 2010 draft Order was revised to incorporate the requested change.

Comment 9: Waste Discharge Requirements, Section IV.A.2, Effluent Limitations for Oil and Grease, Settleable Solids, and Turbidity

Table 8 includes effluent limitations for oil and grease, settleable solids, and turbidity. This is confusing because Table 8, in the draft permit, applies to the effluent discharge resulting from unbleached pulp production. It appears that Ocean Plan Table A limitations are being applied to the mill process wastewater discharge. This reflects a misunderstanding of the discharge and the misapplication of Table A limitations.

Response: The 2010 draft Order was revised to incorporate the requested change.

Comment 10: Waste Discharge Requirements, Section V.C.2.a .ii, TRE Workplan

The discharge from the Pulp Mill has not triggered a Toxicity Reduction Evaluation (TRE) in over 15 years of operation of the facility and the discharge has been in continuous compliance with chronic toxicity limitations. Therefore, the requirement to prepare and submit a TRE Workplan by May 9, 2009 is premature and wasteful of the Mill's resources if a TRE is unlikely to be triggered. In addition, the requirement to submit a TRE Workplan is inconsistent with the requirement in Section V.A.8.c of the monitoring and reporting program that requires submittal of a TRE Action Plan within 30 days of exceeding a toxicity monitoring trigger.

Response: See response to Comment 6 (Freshwater Tissue Company).

Comment 11: Waste Discharge Requirements, Section V.C.2.a .iii, Toxicity Reduction Evaluations

Subparagraph (a) requires that a TRE be initiated within 30 days of the date of completion of the accelerated monitoring test if that test exceeds the chronic toxicity monitoring trigger. This requirement is not consistent with Section V.A.8.c of the MRP, which requires the submittal of a TRE Action Plan within 30 days of laboratory notification of the test exceedance.

Response: See response to Comment 7 (Freshwater Tissue Company).

Comment 12: Waste Discharge Requirements, Section VII, Compliance Determination

This section requires the use of a median of a data set to assess compliance with effluent limitations when that data set contains one or more reported determination of “Detected, but Not Quantified,” or Not Detected.” This requirement conflicts with federal requirements.

Response: The 2010 draft Order was revised to clarify that Section VII of the permit applies only to Ocean Plan Table B constituents.

Comment 13: Monitoring and Reporting Program, Section II, Table E-1A, Monitoring Station Locations

Monitoring location EFF-001 should not include raw water treatment plant sludge and RSW-001 is incorrect and missing a corresponding longitude.

Response: See the staff response to Comment 25 (Freshwater Tissue Company). The coordinates for EFF-001 have been included in the revised 2010 draft Order.

Comment 14: Table E-1B Benthic Monitoring Locations, Section II, Table E-1C Trawling Station Locations

Tables E-1B and E-1C specify monitoring locations for benthic monitoring for the actual locations sampled in the 1997 receiving water monitoring plan. Exact replication of the 1997 study would not be possible due to variable marine conditions, including currents, and wave and wind forces. Tables E-1B and E-1C should be revised to include the 21 monitoring locations and trawl track locations identified during the 1994 and 1997 studies

Response: The 2010 draft Order was revised to incorporate the requested change.

Comment 15: Monitoring and Reporting Program, Section III.A, Table E-2

The inclusion of pH, oil and grease, settleable solids, and turbidity in the monitoring requirements in Table E-2 are inappropriate. As in previous permits, this monitoring location is intended to monitor the mass of river sediment collected and discharged from the water treatment plant. Turbidity and settleable solids measurements are meaningless due to the high concentration of sediment discharged from the water treatment plant. The water treatment plant discharge does not contain oil and grease nor will it affect effluent pH. The monitoring requirements should be removed.

Response: The 2010 draft Order was revised to incorporate the requested change.

Comment 16: Monitoring and Reporting Program, Section IV.A, Table E-3

Please revise the monitoring frequencies for HCH, aldrin, DDT, and TCDD in accordance with previous comments.

Response: The rationale for monitoring frequencies for HCH, aldrin, DDT, and TCDD equivalents is provided in the staff response to Comment 13 (Freshwater Tissue Company).

Comment 17: Monitoring and Reporting Program, Section IV.A.8, Accelerated Monitoring Requirements for Chronic Toxicity

Requirements in Section V.A.8 are in conflict with one another with respect to when to initiate a TRE. The draft Permit should be revised to resolve the conflicting requirements.

Response: See staff response to Comment 15 (Freshwater Tissue Company).

Comment 18: Monitoring and Reporting Program, Section VIII.A.1, Offshore Monitoring

Water column monitoring of the nature described in Table E-6 of the MRP has never produced data indicative of water quality impact. Based on the effluent quality discharged, the outfall's depth and high rate of dilution, and marine receiving water conditions, it is unlikely that water quality monitoring will provide meaningful information about the Evergreen Mill's discharge, other than its impacts on water quality are not detectable. Evergreen does not object to this monitoring in 2009, but requests a provision that allows for reduced monitoring if the 2009 monitoring results show no evidence of water quality impacts.

Response: See staff response to Comment 17 (Freshwater Tissue Company).

Comment 19: Monitoring and Reporting Program, Section VIII.B.1 and C.1, Benthic Monitoring and Demersal Fish and Invertebrate Monitoring

The Monitoring and Reporting Program should be revised to require monitoring from 21 stations for logistical reasons and for consistency with previous benthic monitoring studies rather than the 111 stations specified in the draft Permit. Benthic Monitoring and Demersal Fish and Invertebrate Monitoring should not include analyses for HCH, DDT, and aldrin because these pollutants are not chemicals of concern for pulp mill discharges. Sediment monitoring for TCDD equivalents for the first round of sampling would be acceptable. A provision to reduce the frequency of monitoring should be included in draft Permit in the event that sampling does not indicate real or potential adverse impacts to the receiving water environment.

Response: The 2010 draft Order was revised to require benthic and Demersal Fish and Invertebrate Monitoring at the 21 stations cited in the response to comments. However, because HCH, DDT, aldrin, and TCDD have reasonable potential to exceed water quality objectives and are bioaccumulative, monitoring for these pollutants in sediment and in demersal fish and invertebrates is appropriate. The requirement for biennial (occurring once every other calendar year, or three times during the term of the permit) monitoring is reasonable given the nature of the pollutants and the limited available benthic monitoring information.

Comment 20: Monitoring and Reporting Program, Section VIII.D.1 Bioaccumulation Monitoring

Bioaccumulation Monitoring should not include analyses for HCH, DDT, and aldrin because these pollutants are not chemicals of concern for pulp mill discharges. Trawl Stations T3 and T5 are not defined in the draft Permit.

Response: The requirement for bioaccumulation monitoring for HCH, DDT, aldrin, and TCDD is appropriate because these pollutants have reasonable potential to exceed water quality objectives and are bioaccumulative. The 2010 draft Order was revised to include stations identified as Trawl Station T3 and T5.

Comment 21: Monitoring and Reporting Program, Section IX.A.3

The effluent limitations for BOD and TSS are incorrectly expressed as pounds per day per 1,000 pounds of pulp. Correcting expressing effluent limitations in terms of mass emissions (pounds per day) render the requirement in MRP Section IX.A.3 inaccurate.

Response: The 2010 draft Order was revised to correct the error.

Comment 22: Monitoring and Reporting Program, Section IX.A.4

The Monitoring Location EFF-001 should not include solids from Monitoring Location INT-001 (formerly Outfall 101). Subtracting the daily mass of suspended solids from the water treatment plant discharge from the unbleached process water discharge would often result in a mass discharge of suspended solids that is less than zero.

Response: The revised 2010 draft Order was changed to separate the discharge of solids from the water treatment plant from the discharge of solids generated during the pulp production process.

Comment 23: Monitoring and Reporting Program, Section IX.A.5

The Monitoring Location EFF-001 should not include solids from Monitoring Location INT-001 (formerly Outfall 101). Please delete the word “bleached” and delete the text, “without subtracting the mass of raw water treatment plant clarifier sludge.”

Response: See staff response to Comment 25 (Freshwater Tissue Company).

Comment 24: Monitoring and Reporting Program, Section IX.A.6 and IX.A.7

It is not appropriate to express effluent limitations for BOD and TSS on measured pulp production rates, as explained in an earlier comment. Similarly it is not appropriate to determine compliance with effluent limitations based on measured pulp production rates and effluent flows, particularly in months where both bleached and unbleached pulp are produced. Please revise or delete this section.

Response: The 210 draft Permit was revised to correct the error.