

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**REPORT OF PROCEEDINGS
ON THE REMOVAL OF THE COLOR VARIANCE PROVISION
APPLICABLE TO
BLUE RIDGE PAPER PRODUCTS, LLC
(D/B/A EVERGREEN PACKAGING)
FOR
BLUE RIDGE PAPER PRODUCTS WASTEWATER TREATMENT PLANT
175 MAIN STREET
CANTON, HAYWOOD COUNTY, NC
NPDES PERMIT NC0000272
PIGEON RIVER, FRENCH BROAD RIVER BASIN**

**ONLINE PUBLIC HEARING
APRIL 15, 2021**

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INTRODUCTION

Blue Ridge Paper Products, LLC (d/b/a Evergreen Packaging) is authorized to discharge wastewater from a facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, off Highway 215 (175 Main Street), Canton, Haywood County, North Carolina (NC) to receiving waters designated as the Pigeon River, French Broad River Basin, in accordance with effluent limitations as well as a variance from the state's narrative water quality color standard. The NC Department of Environmental Quality (DEQ) Division of Water Resources (DWR) has concluded that the variance from the narrative provision at 15A NCAC 02B .0211 (12), historically interpreted as an instream true color value of 50 Platinum-Cobalt Units (PCU), is no longer necessary for Blue Ridge Paper Products, LLC. Significant improvements to the instream concentrations of color in the Pigeon River, combined with specific limits on color and an updated reevaluation regarding the narrative provision and protection of the designated uses, support removal of the variance.

BACKGROUND

Summary of the Existing Color Variance and Proposed Removal of the Color Variance

The effluent permit limit requirements applicable to Blue Ridge Paper Products, LLC established in compliance with G.S. 143-215.1, other lawful standards and regulations promulgated and adopted by the NC Environmental Management Commission (EMC), and the Clean Water Act, as amended, previously contained a variance provision to the state's narrative, aesthetic, water quality standard for color. The variance was granted July 13, 1988, by the EMC, under provisions in G.S. 143-215.3(e). Further, the variance has been continued under regulations contained in Title 15A North Carolina Administrative Code (NCAC) 02B .0226, Exemptions From Surface Water Quality Standards:

“Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g).”

The variance included in the May 26, 2010 NPDES permit for Blue Ridge Paper Products, LLC reflected a continued reduction in color over time, with a final annual average color limit to be subsequently revised to a value within the range of 32,000-36,000 lbs/day true color PCU, monitored at the first sampling location downstream of the effluent discharge (E1), Fiberville Bridge. The daily maximum and monthly average limits were 52,000 lbs/day true color PCU and 105,250 lbs/day true color PCU, respectively.

The same final daily maximum and monthly average limits detailed in 2010 are proposed in the 2020 draft NPDES permit, with a specific annual average color limit of 36,000 lbs/day true color PCU. With the removal of the variance, previous language pertaining to the facility's process

improvements and related reporting contained in the 2010 permit is removed. Section A. (8.) of the 2020 draft NPDES permit requires specific monitoring, a reopener clause to address any future breakthroughs in color removal technologies, and other efforts to minimize impacts from color during critical conditions. This language was included to assure the facility's continuous efforts to minimize color impacts on the receiving stream.

While 40 CFR Part 131 requires that "a State may not adopt Water Quality Standard (WQS) variances if the designated use and criterion addressed by the WQS variance can be achieved..." by implementing certain effluent measures, the 2020 draft NPDES permit contains technology-based effluent limits that result in achieving the same goal and are in accordance with the most recent US Environmental Protection Agency (EPA) Technology Review Workgroup (TRW) recommendations. In addition to the removal of the variance, the 2020 draft NPDES permit includes monitoring requirements that the facility meet a monthly average delta (Δ) Color of 50 PCU at the Fiberville Bridge, when the Pigeon River flow at the USGS Canton station is equal or above the Monthly 30Q2 flow of 129 cubic feet per second; DWR has concluded that meeting the 2020 draft NPDES permit conditions of a delta (Δ) 50 PCU measurement between the upstream USGS Canton station and downstream Fiberville Bridge monitoring station, which are approximately 2 miles apart as the river runs, will not contravene the narrative state surface water quality color standard nor the Settlement Agreement between NC, Tennessee (TN), and the US EPA, which required that the facility meet an instream color of 50 PCU at the TN/NC state line, which is located approximately 40 river miles below the discharge.

In conclusion, after a thorough reevaluation of available science, the facility treatment controls, and the 2020 draft NPDES permit conditions, the removal of the variance as a permit condition is recommended by DWR staff. The removal and discontinuance of the variance is considered, under the Clean Water Act, to require public notice/hearing and consideration by the EMC. Consistent with a provision contained in the 2010 variance action by the state, which states, "[t]his variance shall extend for another permit term, subject to consideration during the water quality standards triennial review and the next permit renewal. Any modification or termination based thereon shall be subjected to the public hearing process required by NC G.S. 143-215.3(e)," a public hearing process is required by State and Federal regulations to terminate the variance for Blue Ridge Paper Products, LLC. Lastly, the results of the process must be submitted to the US EPA for review and action.

Reevaluation Rationale

DWR believes that through the past diligent application of advanced and innovative technology, akin to a "Pollutant Minimization Plan", according to 40 CFR Part 131.14 (b)(1)(ii)(A)(3) and a reevaluation under the requirements of 40 CFR Part 131.14 (b)(1)(v), the facility no longer needs a variance and should be held to the NC narrative standard at 15A NCAC 02B .0211. The color narrative water quality standard definition from 15A NCAC 02B .0211 (12) Fresh Surface Water Quality Standards for Class C Waters is as follows:

"Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters

for any designated uses. For the purpose of implementing this Rule, oils, deleterious substances, or colored or other wastes shall include substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, as described in 40 CFR 110.3(a)-(b), incorporated by reference including subsequent amendments and editions...”

Each of the narrative standard components was evaluated to ensure no color-related impairments had occurred for any designated uses in this segment of the Pigeon River:

1) Public Health Protection - NC public health advisories are provided to protect people from exposures to contaminants in the water. No advisories have been issued related to color, as color is not associated with adverse human health effects. Additionally, as recreation levels have notably increased (see Item 2 below), the public values the health benefits that recreation in and on the river provides.

2) Secondary Recreation - The Pigeon River in NC is frequently used for recreation. Although the waterbody is not currently classified for primary recreation, according to Smoky Mountain Outdoors Rafting, the Pigeon River was ranked in 2015 as the #3 most visited among the top whitewater rafting rivers in the US by American Outdoors Association, stating that “the river has experienced a major environmental recovery over the years, and is now home to a flourishing ecosystem.” American Outdoors Association stated, in its 2018 Rafting Use Trends Update (data from 2017), that the Pigeon River was ranked third of the top 10 US rafting rivers in 2017 by popularity and the following: “Use on the Class II Pigeon River in Tennessee near the nation’s most visited National Park, grew more than 1000% from 17,337 visits in 1995 to 202,874 visits in 2016... Use was down on the Pigeon in 2017 due to declines in area tourism because of the wildfires in Gatlinburg, TN.” Therefore, the record at this time reflects use of the water for recreational purposes has increased and recent color concentration data indicates lower concentrations since that time period, demonstrating the water quality continues to support use of the water for recreational purposes, relative to color. (Source: <https://www.americaoutdoors.org/rafting-use-trends-2018-update/> and <https://www.smokymountainrafting.com/blog/whitewater-rafting-tennessee/top-whitewater-rafting-rivers/>)

3) Aquatic Life and Wildlife Protection - DWR maintains a monitoring site on the Pigeon River that lies downstream of Blue Ridge Paper Products, LLC. This site has been sampled 15 times over the past 35 years. EPT Richness Index (E= Ephemeroptera, P= Plecoptera, T= Tricoptera) estimates water quality by the relative abundance of three major orders of stream insects that have low tolerance to water pollution. EPT can be expressed as a percentage of the sensitive orders to the total taxa found. In 2017, eighteen EPT taxa were collected at the benthic monitoring site at State Road 1642 and the assessment indicated that water quality in the Pigeon River at this site has improved steadily since advancements were made to the paper mill in the early 1990's. The assessment noted that while in-stream macroinvertebrate habitat is relatively poor, the fact that riffles were mostly lacking and riparian inputs were low was a causative factor. Additionally, high water temperatures and a high specific conductance in-stream were noted in 2017 as a cause for the ratings. The color of the stream was not noted as a reason for the benthic impairment. The benthic water quality at this site appears to hover near the Fair to Good-

Fair cusp with the 2017 rating of Fair just 1 EPT taxon shy of a Good-Fair rating. The previous rating in 2012 was also on the cusp of a Good-Fair rating. With the advent of long-lived taxa present in the stream (stoneflies), it appears that water quality here is stable.

Biological studies conducted by the University of TN in 2005 and 2012 concluded that the Pigeon River has a balanced and indigenous fish community and a diverse and healthy macroinvertebrate community “below the mill’s discharge.” Scientific studies indicate that stream color concentrations below 100 color units have no effect on health of aquatic organisms (NCASI Special Report 9407, Human Perception and Biological Impacts of Kraft Mill Effluent Color, June 1994). The State of TN has identified the return of the sensitive species, River Run Walleye. Its reappearance is an indicator of high water quality. The Pigeon River has also become a trophy smallmouth bass fishery. The facility submitted a “Balanced and Indigenous Populations (BIP)” study related to a federal Section 316(a) temperature variance study to DWR in 2014 that supports the same conclusions of a diverse and healthy community. DWR biologists concurred with the assessment, further supporting that aquatic life and wildlife are being adequately protected. (See Item 6, below)

4) Palatability of Fish - Color is not a parameter associated with fish palatability and is therefore not applicable for this discussion.

5) Aesthetic Quality - The interpretation of color as an aesthetic impact, while subjective, has been repeatedly studied since the initial variance was granted.

Evaluating the aesthetic component of color depends on personal preferences and perceptions, vision characteristics, background light conditions, natural settings, bottom substrate, and previous personal experiences. Difficulty in evaluating the narrative color standard led DWR to attempt to translate the narrative standard to a numeric (measurable/quantifiable) value. In the early 1980’s, the EPA interpreted NC’s narrative color standard as an instream standard of 50 PCU. This number was based on the ability of the average observer to detect instream color. However, detection/perception of colored water, even above 50 PCU, is not necessarily objectionable to the observer, so the EPA interpretation was a conservative read of the rule (see the evaluation of existing conditions discussion in the next section for more discussion on historical color levels and proposed color limits in the 2020 draft NPDES permit). The reevaluation concludes that, at current permit or instream levels, the discharge does not affect the aesthetic value.

6) Impairment - The Pigeon River is currently rated as “impaired” on the Clean Water Act required Section 303(d) list for benthic macroinvertebrates. As outlined in Item 3, above, the color of the water is not associated with this impairment. In 2019, the facility submitted a “Balanced and Indigenous Populations (BIP)” assessment under Section 316(a) of the Clean Water Act to the DWR. While that BIP evaluates effects of the temperature of the water and its effect on the stream biological community, it provides insight into the stream condition. The fish data noted “good, and improving diversity” and while the benthos data indicates some impact from the thermal discharge, it was determined that the “Balanced and Indigenous” threshold, defined by 40 CFR Part 125.71(c), was met.

Evaluation of Existing Conditions/ Permitting Rationale/ Additional Protective Permit Conditions

After removing data collected below the 30Q2 flow condition consistent with 15A NCAC 02B .0206(a)(5), an analysis of instream color values recorded from 2011 – 2018 indicates more than 90% of the individual samples at the Fiberville Bridge monitoring station are less than 50 PCU. This quantitative comparison provides documentation of the daily instream conditions over the recent period of record relative to the loadings which have been implemented. 50 PCU was the concentration previously interpreted by EPA as the value that necessitated the variance. The color variance is no longer necessary because the monitoring shows that 50 PCU has been consistently met downstream of the discharge. In addition, operating the 2020 draft NPDES permit at the color limits noted, the discharge should continue to result in compliance with the reevaluated aesthetic narrative for color and no longer require the relief of a variance.

A March 4, 2019 report entitled “Analysis of Color Concentrations in the Pigeon River” (AquAeTer, Inc.), includes a data assessment from July of 2010 to December of 2018, and indicates that the “monthly 30Q2 analyses represent a precise analysis of the same hydrologic event for each month of the year and do not introduce bias in the analyses due to multiple months with different hydrologic and meteorologic events not related to the same statistical event.” This is consistent with the state’s current water quality standards regulations contained in 15A NCAC 02B .0206 (a)(5) that aesthetic quality “shall be protected using the minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years (30Q2 flow).” DWR proposes in the 2020 draft NPDES permit Part I, Section A. (1.), Footnote 16, that the permit condition require the facility to meet a monthly average Δ 50 PCU (the difference between monthly average upstream and monthly average downstream true color) at the Fiberville Bridge when the flow in the Pigeon River is equal or above monthly 30Q2. By meeting this condition, the DWR has determined that the facility will not contravene the state narrative color standard.

The annual average, monthly average, and daily maximum color limits (measured as True Color) were established in accordance with the EPA TRW recommendations for the 2010 permit renewal and will be continued in the 2020 draft NPDES permit. The TRW was chaired by the EPA and consisted of independent experts, EPA experts, and representatives from NC and TN. DWR expects that concentrations similar to those experienced over the 2011-2018 timeframe will continue to be experienced instream, and thus designated uses will continue to be met, relative to color, assuming representative flow conditions. To ensure comparable data is available at the next permit reissuance:

Section A. (5.) of the 2020 draft NPDES permit, “Instream Monitoring Special Condition”, requires the facility to report monthly average true color concentration and the difference between monthly average true color concentration between UP and DN1 (Δ Color). All instream samples collected shall be representative of the Pigeon River and Big Creek, respectively. The facility shall meet the Δ Color of 50 PCU when the Pigeon River flow at the USGS Canton station is equal or above Monthly 30Q2 of 129 cfs. Samples taken when the river flow at the USGS Canton station is less than 129 cfs will not be included in the average for that month.

Section A. (8.) of the 2020 draft NPDES permit includes requirements for “Color Analysis and Compliance Special Condition”. These conditions establish monitoring for color upstream and at three locations downstream to ensure compliance with the water quality standard is maintained. The permittee shall not increase the mill's pulp production capacity during the term of the permit, unless the permittee can demonstrate that the increased production can be achieved while reducing color loading. Increased production may warrant a revision to the permit.

To further protect the recreational designated use of the river, Section A. (8.) of the 2020 draft NPDES permit states that major maintenance outages may not be scheduled during periods of lowest river flow and higher recreational use in the river (June, July, August, and September). The month of October is not included in this condition since the NC Department of Labor (DOL) requires inspections of the recovery boiler during September through October, and the boiler can be inspected only during an outage.

Section A. (8.) of the 2020 draft NPDES permit requires the facility to conduct a technical review of color removal technologies once during the permit cycle and provide the report to DWR with the renewal application. The 2020 draft NPDES Permit shall be subject to reopening in order to modify the color requirements based upon any breakthrough in color removal technologies. Such breakthroughs shall be brought to the NPDES Committee for consideration, by Blue Ridge Paper Products, LLC and DWR, as soon as they are discovered.

Conclusions

Noting the successful technology-based effluent improvements, the reexamination of the data gathered on water quality conditions in the river, the increased use of the river for recreational purpose, and favorable biological examinations of the river, the facility requested removal of the color variance applicable to their permit. Based on the evidence and data presented, DWR believes that the current Blue Ridge Paper Products, LLC discharge meets the NC narrative color standard, and that the facility does not qualify for a continuance of the variance under regulations in 40 CFR Part 131, as the original variance was written for an expected limited timeframe and purpose and the state may not adopt a variance if the criterion can be achieved. Removing the variance does not mean that no restrictions on color will apply to the facility. Instead, removal of the variance means that the narrative color standard and the facility's permit conditions must be met and continue to be met.

PUBLIC HEARING PROCESS AND COMMENTS RECEIVED

In accordance with state and federal regulations, the proposed removal of the color variance is effectively a change to water quality standards and subject to public hearing. The EMC last accepted comments from the public on this variance (and other state approved standards and variances) in July of 2018. There were no substantive comments received and no negative comments relating to the color variance. Under 40 CFR Part 131.14 (b)(1)(v), the state has reevaluated the Color Variance, examined the highest attainable condition using all existing and readily available information, and has provided notification and a public hearing (as noted below) to obtain public input on this reevaluation, to confirm the finding that the present condition for color corresponds to meeting the applicable criterion at 15A NCAC 02B .0211(12),

and that a variance is no longer required for this facility. Public comments will be provided to the EMC for the purpose of evaluating the approval of the removal of the variance provision from the permit applicable to Blue Ridge Paper Products, LLC (d/b/a Evergreen Packaging), Permit Number NC0000272. Upon completion of that process, and certification under 40 CFR Part 132.5(b)(2) from the State's Attorney General's Office that proper notification has been given, the results of the EMC decision will be submitted to EPA for review and action.

In accordance with NC General Statutes, a public hearing was held on April 14th, 2021, regarding the proposed removal of the color variance along with the 2020 draft NPDES permit. A hearing was originally proposed for January 20th, 2021, but was rescheduled as TN legislators requested time to work with their constituents in order to address their concerns as well as possibly visit sampling sites downstream of Blue Ridge Paper Products, LLC. Notice of the proposals and the original hearing was published in the December 1st, 2020 *North Carolina Register* (Volume 35, Issue 11), and notice of the proposals and rescheduled hearing was published in the February 16, 2021 *North Carolina Register* (Volume 35, Issue 16) (public notices attached as pages a-2 through a-6).

On January 15th, 2021 and April 8th, 2021, a news release about the public hearing was sent to media statewide as well as parties who voluntarily signed up to receive it, such as attorneys, businesses, and citizens (news releases attached as pages a-7 through a-10). In addition, a social media post, which contained the same information as the January 15, 2021 news release, was posted on DEQ's Twitter and FaceBook page twice on January 15, 2021 and once on January 16, 17, 19, and 21, 2021. On January 27, 2021, an announcement of the public hearing was sent to the DWRPublicNotices List serve (email to list serve attached as pages a-11 through a-14). Information about the public hearing was also published on January 27, 2021 in the *Asheville Citizen-Times*, *The (Waynesville) Mountaineer*, and *The Smoky Mountain News* (affidavits for these publications attached as pages a-15 through a-23).

Mr. Charles Carter, a member of the EMC, served as hearing officer for the portion of the public hearing concerning the proposed removal of the color variance. 97 people registered online to attend the public hearing and 93 people actually attended the hearing (list of attendees and registered persons attached as pages a-24 through a-28). Registered attendees at the hearing who provided information regarding their affiliation represented entities ranging from EPA; water-based recreational companies, organizations, and users; academia; entertainment industry; environmental and regulatory interest groups; municipalities; farms; photography business; legal firms; consulting companies; State of TN and State of NC environmental agencies; citizens, residents, and property owners; the media; and Blue Ridge Paper Products, LLC (d/b/a Evergreen Packaging).

General information about the hearing as well as the 2020 draft NPDES permit and proposed removal of the color variance was followed by DWR presentations with detailed information about the proposals. Public comments on the proposals were taken after the DWR presentations (summary of verbal comments attached as pages a-29 through a-35), and misunderstanding of the color variance was displayed in several comments (see “-Misunderstandings Regarding a Color Variance” in the “Issues Raised in Verbal and Written Comments” section directly below). Of the 10 speakers who specifically mentioned the topic of the color variance, four speakers (representatives of Evergreen Packaging) stated that they supported the removal of the proposed color variance, one speaker (a river guide) stated she was against increasing the color variance,

and the remaining five speakers (Rapid Expeditions Rafting, Rip Roaring Whitewater Adventures, Clean Water for North Carolina, Clean Water Expected in East Tennessee, and Cooke County TN resident/river guide) stated that they opposed removal of the color variance.

Written comments were accepted for the 2020 draft NPDES permit and proposed removal of the color variance from December 1st, 2020 through April 30th, 2021. 64 comments that specifically mentioned the topic of the color variance were received. These 64 comments, including any attachments that mention the topic of color variance, are provided as one document at <https://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/surface-water-standards>, except for Attachment C “Footnote Citations” to one comment from SELC, which is provided as a separate document at the above-mentioned website. The 64 comments exclude duplicate emailed and post-mailed comments, but do not exclude multiple emailed comments made by any person. In addition, written comments made by people who also provided verbal comments at the hearing are included in this document.

Three of the 64 written comments stated a supportive stance regarding the proposed removal of the color variance, and six of the 64 written comments did not state explicit support or objection for the proposed removal of the color variance. The three comments supporting the proposed removal of the color variance were received from Blue Ridge Paper Products, LLC and TN residents. The six comments that did not state explicit support or objection for the proposed removal of the color variance also contained questions, and these comments were received from representatives of the following parties: TN citizens/residents; Environmental Review, Inc.; a NC farmer; and Keep Cocke County (TN) Beautiful.

The remaining 55 of the 64 written comments opposing the removal of the color variance were authored by representatives of the following groups:

- Recreational water users, clubs and outfitters, including river guides, Rip-Roaring Whitewater Adventures, Nantahala Outdoor Center, Nolichucky Outdoor Learning Institute, American Canoe Association, ACE Kayaking School, Appalachian Paddling Enthusiasts, Beaver Creek Kayak Club, Bluff City Canoe Club, Chota Canoe Club, West Tennessee Canoe and Kayak Club, Foothills Paddling Club, American Whitewater, East Tennessee Whitewater Club, and Smoky Mountain Hiking Club
- Municipalities such as Cooke County, TN; Mayor of Campbell, TN; Association of Tennessee Valley Governments; Sevier County (TN) Mayor; and East Tennessee Local Workforce Development Board
- TN state agencies including the Department of Environment and Conservation, and TN Environmental Council
- Environmental Interest Groups such as Clean Water Expected for East Tennessee, Clean Water for North Carolina, Tennessee Citizens for Wilderness Planning, Harpeth Conservancy, Tennessee Scenic River Association, Conservation Fisheries, Inc., and Environmental Review, Inc.
- An Engineering company
- The Literacy Council
- Southern Environmental Law Center
- Citizens and residents in TN and NC

Issues Raised in Verbal and Written Comments

-Misunderstandings Regarding a Color Variance

Comments were received that indicated a misunderstanding about the definition of a variance and the impacts of removing a variance. Examples of comments that indicated misunderstanding regarding a variance follow:

- Keep the variance until the water quality standards are met
- Variance standards are to still be required
- If the company is doing what it is supposed to and being a good neighbor, they should be able to meet or even exceed the testing standards. Instead they want it (the color variance) removed, this shows me that the company does not want to preserve the waterways and does not want testing.
- Water quality (color) improvement (needed) before variance for color dropped
- (I) oppose lifting restrictions on the color variant discharged into the river
- The variance ensures the river doesn't get more contaminated and removal of variance loosens regulations/protections on color pollution
- A new color variance should be denied
- The variance needs to be stricter and a step toward improving discharged water quality from the current color variance requirements
- No monitoring requirements for color variance (should be) removed
- (I want) no removal of standards

Response: The NC narrative water quality standard for color has been historically interpreted as 50 PCU and is consistently being met at the Fiberville Bridge monitoring station downstream of the facility's discharge, and thus, the facility no longer needs the relief of a variance. Per 40 CFR Part 131.14: "a state may not adopt Water Quality Standard variances if the designated use and criterion addresses by the variance can be achieved by implementing technology-based limits..." In addition, removal of the variance means that the narrative color standard and the facility's permit conditions must be met and continue to be met, and does not mean no restrictions on color will apply to the facility.

-Disagreement with DWR's Conclusion that 50 PCU Has Been Achieved in the River

Comments were received that did not agree with DWR's finding that 50 PCU has been reached in the river. Examples of comments that indicated this disagreement follow:

- The facility's discharge is out of compliance with the NC narrative water quality standards, as it is not achieving 50 true color units or lower instream at the end of the discharge pipe on a daily basis.
- Disagreement with the practice of averaging annual color values, as information regarding the river states that the average of all color data points from 2014-2018 during all flow conditions is 41 color units, and thus, "long-term compliance" of the NC color standard has been met. The practice of averaging values with such a

wide range allows instream values to often exceed the water quality standard by a considerable margin.

- North Carolina's handling of flow in the permit gives the appearance that the agency believes the color criterion does not apply if the flow is below the 30Q2 flow. If that is the case, we (TDEC) do not agree with either that interpretation of criteria or that the variance should be removed on that basis.
- EPA's ECHO database indicates that Blue Ridge is not in compliance with its permit, but it does not provide any information on specific violations. Additionally, the permit fact sheet acknowledges noncompliance with color limits. TDEC requests specific compliance data covering the past permit cycle. Is this noncompliance due to violations of permit limits or is it related to other compliance issues such as failure to submit reports? In our view, even if the permit were protective, noncompliance would erode the argument that the water quality standard is currently being met.

Response: 50 PCU was the concentration previously interpreted by EPA as the value which necessitated the variance, and further information pertaining to EPA's interpretation of NC's narrative color standard as an instream standard of 50 PCU is provided on page 4 of this document. The current NPDES permit requires monitoring be conducted at the Fiberville Bridge monitoring station and the Discharge Monitoring Reports demonstrate that effluent color is fairly consistent with low variability. Furthermore, after removing data collected below the 30Q2 flow condition, an analysis of instream color values recorded from 2011 – 2018 indicates more than 90% of the individual samples at the Fiberville Bridge monitoring station are less than 50 PCU. As described in the above-mentioned March 4, 2019 report entitled "Analysis of Color Concentrations in the Pigeon River" (AquAeTer, Inc.), which includes a data assessment from July of 2010 to December of 2018, "monthly 30Q2 analyses represent a precise analysis of the same hydrologic event for each month of the year and do not introduce bias in the analyses due to multiple months with different hydrologic and meteorologic events not related to the same statistical event." This is consistent with the state's current water quality standards regulations contained in 15A NCAC 02B .0206 (a)(5) that aesthetic quality "shall be protected using the minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years (30Q2 flow)."

DWR lists all the violations that occurred during the review period in the above-mentioned Fact Sheet. During the review period of 08/2013 through 09/2018, DWR's database indicated the following two color exceedances:

- January 10, 2014 - Daily Maximum Limit exceeded (105,250 lb/day) – Calculated limit 125,731 lb/day
- January 11, 2014 - Daily Maximum Limit exceeded (105,250 lb/day) – Calculated limit 129,856 lb/day

-Disagreement with DWR's Reevaluation of the State Color Narrative Water Quality Standard
Comments were received that did not agree with DWR's reevaluation of one or more of the components of the state's color narrative water quality standard from 15A NCAC 02B .0211 Fresh Surface Water Quality Standards for Class C Waters.

Examples of comments regarding public health protection follow:

- Although no public health advisory related to color in North Carolina, there is one in Tennessee for color.
- Often professional river guides deal with rashes and reactions to the many chemicals that comprise the color pollution.
- Color is an indication of impurities in the water which rightly concern river recreationists. For us, river water is drinking water...
- Color is comprised of toxic chemicals. It is a public health issue for the hundreds of thousands of boaters who are yearly exposed to full body contact with its toxic waters.

Response: NC public health advisories are provided to protect people from exposures to contaminants in the water. No advisories have been issued related to color, as color (itself) is not associated with adverse human health effects. Additionally, as recreation levels have notably increased, the public values the health benefits that recreation in and on the river provides. Lastly, the river's color consists primarily of lignins and tannins, which are natural compounds. There are numerous black water streams in NC with very high concentration of lignins and tannins, much higher than in the Pigeon River, and black water streams can support fish and macroinvertebrate communities.

Examples of comments regarding secondary recreation follow:

- Level of color in the river is, in fact, strongly associated with the extent of odor, bad taste of the water ... from the Mill's discharge.
- As a paddler who canoed downstream of the whitewater Pigeon River section near Hartford TN, not long ago, I had to cut short a canoeing trip due to the low visibility of obstacles in the stream caused by dark color and particulates in the water column.

Response: American Outdoors Association stated, in its 2018 Rafting Use Trends Update (data from 2017), that the Pigeon River ranked third of the top 10 US rafting rivers in 2017 by popularity and the following: "Use on the Class II Pigeon River in Tennessee near the nation's most visited National Park, grew more than 1000% from 17,337 visits in 1995 to 202,874 visits in 2016." DWR's employees from the central office and the regional office have also observed people fishing below the discharge on numerous occasions in the past. Thus, over the past approximately two decades, use of the water for recreational purposes has increased and recent color concentration data indicates lower concentrations during that time period, demonstrating the water quality continues to support use of the water for recreational purposes, relative to color. Further information pertaining to the state's reevaluation of this component of the NC color narrative water quality standard is addressed on page 3 of this document.

Examples of comments regarding aquatic life and wildlife protection follow:

- The permit rationale states that the documented aquatic life impacts are likely due to other pollutants. A more detailed discussion of the biological data including direct comparisons to upstream or reference conditions is requested.
- We understand that a University of Tennessee study concluded that the river near Canton supported a "Balanced and Indigenous" aquatic life population, as required by its 316(a) temperature variance, but North Carolina lists the river in the same segment as impaired for aquatic life support.

Response: DWR's 2017 assessment at the benthic monitoring site downstream of the facility indicated that water quality at this site has improved steadily since advancements were made to the paper mill in the early 1990's and the color of the stream was not noted as a reason for the benthic impairment at that site. NC has a significant number of black water streams with color level much higher than 100 PCU due to the natural presence of lignins and tannins, and the color alone does not impair aquatic life in these streams. In addition, NCASI 1994 studies indicate that stream color concentrations below 100 color units have no effect on health of aquatic organisms. Furthermore, the facility submitted a "Balanced and Indigenous Populations (BIP)" study related to a federal Section 316(a) temperature variance study to DWR in 2014 that supports the conclusion of a diverse and healthy community and DWR biologists concurred with the assessment, further supporting that aquatic life and wildlife are being adequately protected.

The facility has passed all Whole Effluent Toxicity (WET) tests during the last 5+ years. In March of 1991, the EPA published "Technical Support Document for Water Quality-based Toxics Control." This document states that there is a very strong correlation (88%) between receiving water impacts, including impact to macroinvertebrates, and whole effluent toxicity (WET) tests. Since the effluent from Blue Ridge Paper Products, LLC comprises a significant portion of the Pigeon River flow, the permit has a WET test requirement at the effluent concentration of 90%. The facility's excellent history of compliance with its WET test requirement supports DWR's conclusion regarding the impact of color on the Pigeon River's aquatic life and wildlife protection.

The threshold for Balanced and Indigenous Population (BIP) as defined in the EPA Guidance has been met based on the conclusion of world-renown fisheries biologist Dr. Coutant, and DWR biologists agree with this conclusion. The comment from the NC Wildlife Resources Commission (WRC) was based on a review of information including the "...2014 "Canton Mill Balanced and Indigenous Species Study for the Pigeon River" (BISS), which characterizes the river's biological community upstream and downstream of the discharge," and WRC did not mention the color of the river in their comment, including in sections regarding issues or recommendations. WRC also commented that "Improvements in aquatic habitat allowed reintroductions of some extirpated fishes in the watershed." Conservation Fisheries, Inc. submitted a public comment stating the following: "We have participated with UTK, TWRA, TVA and others to restore aquatic wildlife, eliminated by past pollution, as the river recovered to the point it could again support the restored species...Efforts began with Gilt Darters and included many others, such as Mountain Madtoms and Tangerine Darters." Lastly, the State of TN has identified the return of the sensitive species, River Run Walleye. Further information pertaining to the state's reevaluation of this component of the NC color narrative water quality standard is addressed on pages 3 and 4 of this document.

Examples of comments regarding palatability of fish follow:

- (We) strongly disagree with the statement included under "Rationale for Removal of Color Variance" with the statement that "fish palatability is not a parameter associated with palatability of fish"
- NC regulators should long ago have evaluated fish palatability as part of NC's narrative standard, but have simply failed to do so.

Response: Color is not a parameter associated with fish palatability and is therefore not applicable for this discussion.

Examples of comments regarding aesthetic quality follow:

- Color studies...likely were not based on surveys of people who regularly immersed themselves in rivers or who drink/ingest the river water in question via recreation. Also, these studies are 25-30 years old.
- DEQ's narrow focus on a numeric true-color standard fails to protect all aspects of "aesthetic quality..." 15A N.C. Admin. Code 2B .0211(12) applies much more broadly to "colored or other wastes" that may not injure the "aesthetic quality" of the receiving waterbody...Although "aesthetic quality" certainly encompasses color, it also covers much more, including, but not limited to: presence of undesirable or nuisance aquatic life, odor, foam, and other floating debris...

Response: 15A NCAC 02B (12) reads as follows:

"Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses..."

Evaluating the color portion of the aesthetic component of the narrative water quality standard depends on several variables including personal preferences and perceptions, vision characteristics, background light conditions, natural settings, bottom substrate, and previous personal experiences. Difficulty in evaluating the narrative color standard led DWR to attempt to translate the narrative standard to a numeric (measurable/quantifiable) value, and EPA interpreted the NC narrative color standard as an instream standard of 50 PCU. This number was based on the ability of the average observer to detect instream color, and detection/perception of colored water is not necessarily objectionable to the observer, so the EPA interpretation is overly conservative. The reevaluation concluded that, at current permit or instream levels, the discharge does not affect the aesthetic value in terms of color. Further information pertaining to the state's reevaluation of this component of the NC color narrative water quality standard is addressed on page 4 of this document and is supplemented by the additional following information:

- The Bowater Hiwassee River Study (Prestrude and Laws, 1989) identified that color increases of 50 to 60 PCU were acceptable to observers. Since the background color concentration for Blue Ridge Paper Products, LLC is 13 PCU, the downstream color concentration of 64 to 74 PCU should be acceptable to observers. The recommendation from the Bowater Study was accepted by the State of TN and it established a color limit of 50 PCU above background for the Hiwassee River.
- Dr. Prestrude conducted a color perception study in both TN and NC waters (Pigeon River) and (Prestrude, July 1996) reported that the vast majority of persons participating in the research projects considered water quality color in the receiving stream as aesthetically acceptable in the 100-110 PCU color range.

Examples of comments regarding impairment follow:

- The upper 5 miles of the Pigeon River in Tennessee (TN06010106-001_4000) remain listed as recreationally impaired due to color from sources outside state borders.
- The Pigeon River is listed on North Carolina's 2018 303(d) List as impaired.

- Downstream uses (are) not being met.

Response: Despite the impairment, recreational use in Tennessee has increased dramatically. Scheduled discharges from the Waterville Dam from Duke Energy, which provide increased flow to the Pigeon River necessary for recreational use, contain fine silt that is tan in color and contributes to the color in the Pigeon River as it enters Tennessee. In North Carolina, the Pigeon River is currently rated as “impaired” on the Clean Water Act Section 303(d) list for benthic macroinvertebrates. As mentioned above, the color of the water is not associated with this impairment. In 2019, the facility submitted a “Balanced and Indigenous Populations (BIP)” assessment under Section 316(a) of the Clean Water Act to DWR. While that BIP evaluates effects of the temperature of the water and its effect on the stream biological community, it provides insight into the stream condition. The fish data noted “good, and improving diversity” and while the benthos data indicates some impact from the thermal discharge, it was determined that the “Balanced and Indigenous” threshold, defined by 40 CFR Part 125.71(c), was met.

-Draft Permit is not Protective Based on Monthly Data Averages

Comments were received that the 2020 draft NPDES permit is not protective based on monthly data averages. Examples of comments that indicated this concern about using monthly data averages follow:

- The permit’s reliance on monthly averages of only certain data, use of an extremely generous low-flow basis to derive limits, combined with the permit’s disregard for color levels in the river both in North Carolina and Tennessee when flows are less than 129 cfs, makes it very difficult for us to concede the point the draft permit is protective.
- Target for allowable color is too high
- DEQ also fails to articulate why a *monthly* average $\Delta 50$ PCU standard is a justifiable interpretation of North Carolina’s narrative standard. Therefore, the new interpretation substantially *weakens* North Carolina’s narrative water quality standards. Nor does it make sense. The color standard is meant to protect the aesthetic qualities of the river but people do not experience aesthetic qualities as a “monthly average”—they experience them in real time on a day-to-day basis.

Response: According to the state rule 15A NCAC 02B .0206(a)(4) the aesthetic quality standards will be protected using 30Q2 flow, so aesthetic parameter limitations are based on the 30Q2 flows, not on the daily maximum limits and individual monthly averages. The state rules do not explicitly define what kind of 30Q2 flow shall be used and the facility provided justification to use a monthly 30Q2 flow as a basis for compliance determination. The lowest monthly 30Q2 flow at the facility is measured at 129 cfs, and this number will be used for the compliance purposes at the Fiberville Bridge (0.4 miles below discharge). DWR reviewed flow data for 130 months beginning January 2008 and found that monthly average flow below 129 cfs occurred 22 times, or 16.9% of the time.

DWR proposes the permit condition that shall require the facility to meet the monthly average $\Delta 50$ PCU (the difference between monthly average upstream and monthly average downstream true color) at the Fiberville Bridge when the flow in the Pigeon River is equal or above monthly 30Q2. By meeting this condition, the facility should not contravene the state color standard.

Monthly average limit is used because the state rules require employment of the 30Q2 flow basis and 30Q2 is a monthly flow. 50 PCU was the concentration previously interpreted by EPA as the value which necessitated the variance. Lastly, the Discharge Monitoring Reports demonstrate that effluent color is fairly consistent with low variability.

-Color-Reducing Technologies Are Available and Lack/Lessening of Future Progress in Color (Removal)

Comments were received concerning current and future technological progress in reducing color in the river. Examples of comments that expressed concerns with color-reducing technologies follow:

- River still needs (color) improvement and removal of the color variance would lead to less (or no) future progress in removing color
- DEQ's approach is problematic because it omits consideration of current color reduction technologies; agency fails to evaluate available technologies for further reductions on colored discharges

Response: Blue Ridge Paper Products, LLC has been evaluating color removal efforts they make at the plant and potential new technologies, and conducted reviews of color removing technologies on an annual basis during the last permit cycle. The color reduction requirements contained in the 2010 permit were derived directly from the mill's efforts to identify possible color reduction measures and from the EPA TRW 2008 report. DWQ (now DWR) participated in the TRW process that was conducted to evaluate technically, economically, and operationally feasible technologies and BMPs (Best Management Practices) that can be implemented by Blue Ridge Paper Products, LLC to reduce the color discharge. The TRW evaluation was based on the reports from six independent experts, and two experts from EPA Headquarters. All of the TRW recommendations were included in the 2010 NPDES permit. The facility was required to evaluate several color reduction technologies, and implement those technologies that are identified as technically, operationally, and economically feasible, or identify other options that will result in similar increments of color reduction.

The facility provided annual reports on the color reduction methods included in the permit, which required Blue Ridge Paper Products, LLC to evaluate two specific technologies: hydrogen peroxide enhancement of the pine and hardwood extraction stages and the installation of second stage oxygen delignification on the pine line. These technologies proved to not be technically, operationally and/or economically feasible for the facility, and involved facility staff as well as staff with other companies. Overall, the facility has been unable to identify any new feasible technology.

The 2020 draft NPDES permit contains technology-based effluent limits that result in achieving the same goal and are in accordance with most recent US EPA TRW recommendations. Since the last complete evaluation of the color-reduction technologies, no breakthrough in the color removal technology has been made. In addition, Section A. (8.) of the 2020 draft NPDES permit requires specific monitoring, a reopener clause to address any future breakthroughs in color removal technologies, and other efforts to minimize impacts from color during critical conditions. The 2020 draft NPDES permit also requires the facility to conduct a technical review of color removal technologies once during the permit cycle and provide the report to DWR with

the renewal application. The 2020 draft NPDES permit shall be subject to reopening in order to modify the color requirements based upon any breakthrough in color removal technologies. Such breakthroughs shall be brought to DWR for consideration, by Blue Ridge Paper Products, LLC, as soon as they are discovered. This language was included in the 2020 draft NPDES permit to assure the facility's continuous efforts to minimize color impacts on the receiving stream.

It is important to understand that the market for a color reducing technology is extremely small. The pulp and paper industry has been downsizing for decades and most facilities do not have color issues because they have a high dilution or discharge to the black water streams. For example, there are six major dischargers in NC that process cellulose and have a colored wastewater, and only one facility has put forth a concerted effort to reduce color in their waste stream. Since there are similarly small markets for this technology in other states, the manufacturers of wastewater treatment are not interested in development of a treatment technology targeting color in pulp and paper facilities.

It is also necessary to emphasize that the prediction of the color reductions from technologies can be extremely difficult because color is not a conservative parameter, and the synergetic effect of sewer generated color is strong. This effect occurs when two streams of color combine and the resulting color is much higher than a simple arithmetic addition of color from these streams. Thus, predicted reductions in color from technologies are likely to be unreliable.

RECOMMENDATION

It is the recommendation of the Hearing Officer that the 2010 Color Variance from the narrative standard for color [15A NCAC 02B .0211 (12)] issued to Blue Ridge Paper Products, LLC (d/b/a Evergreen Packaging) on July 14, 2010 should not be extended for another permit term and therefore terminated upon issuance of the NPDES permit renewal, as required in Paragraph (E) of the 2010 Color Variance. In making this recommendation, the Hearing Officer has considered all comments received regarding the proposed removal of the 2010 Color Variance and has considered the requirements of 15A NCAC 02B .0211, .0206 (a)(5), and .0226; NC General Statutes 143-215.1 and 143-215.3(e); and 40 CFR Part 110.3(a)-(b), 132.5(b)(2), and 131 [including 131.10(g), 131.14 (b)(1)(ii)(A)(3), and 131.14 (b)(1)(v)].

APPENDICES

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) INTENT TO ISSUE NPDES WASTEWATER DISCHARGE PERMIT #NC0000272 WITH PROPOSED REMOVAL OF COLOR VARIANCE**PERMIT APPLICATION**

Notice is hereby given in accordance with NC General Statutes (G.S.) 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 Code of Federal Regulations (CFR) 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the DEQ, Division of Water Resources (DWR) intends to amend effluent permit requirements applicable to Blue Ridge Paper Products, LLC. Public comment or objection to the draft permit modification is invited. All comments received by January 29, 2021 will be considered in the final determination regarding permit issuance and permit provisions.

Blue Ridge Paper Products LLC, (d/b/a Evergreen Packaging), Permit Number NC0000272. Blue Ridge Paper Products, LLC is authorized to discharge wastewater from a facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, off Highway 215 (175 Main Street), Canton, Haywood County, NC to receiving waters designated as the Pigeon River, French Broad River Basin, in accordance with effluent limitations. Some of the parameters are water quality limited. This discharge may affect future allocations in this portion of the French Broad River Basin. The location of the Outfall is: Latitude: 35°32'08"; Longitude: 82°50'42".

The thermal component of the discharge is subject to effluent limitations under Title 15A North Carolina Administrative Code (NCAC) Subchapter 02B .0211 (18), which proposes thermal effluent limitations disallowing an exceedance of 2.8 degrees C (5.04 degrees F) above the natural water temperature, and in no case to exceed 29 degrees C (84.2 degrees F). The permit holder has requested a continuance of a Clean Water Act Section 316(a) variance. On the basis of 15A NCAC 02B .0208 (b), and other lawful standards and regulations, DWR proposes to continue the 316(a) variance in conjunction with the renewal of the permit.

The draft wastewater permit and all related documents are available online at: <https://deq.nc.gov/news/events/public-notices-hearings>. Printed copies of the draft permit and related documents may be reviewed at the department's Asheville Regional Office. To make an appointment to review the documents, please call 828-296-4500. Public comment on the draft permit and on the proposed removal of the existing color variance should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line.

COLOR VARIANCE INFORMATION

Notice is also hereby given in accordance with NC G.S. 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 CFR 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the NC Environmental Management Commission (EMC) is requesting comment on removing the color variance from the effluent permit requirements applicable to Blue Ridge Paper Products, LLC. All comments received by January 29, 2021 will be considered. Comments should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line. Public records related to the EMC consideration of the variance are located at: <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission-71>

BACKGROUND

The effluent permit limit requirements applicable to Blue Ridge Paper Products, LLC established in compliance with NC G.S. 143-215.1, other lawful standards and regulations promulgated and adopted by the EMC, and the Clean Water Act (Act), as amended, previously contained a variance provision to the state's narrative, aesthetic, water quality standard for color. The variance was granted July 13, 1988, by the EMC, under provisions in G.S. 143-215.3(e). Further, the variance has been continued under regulations contained in 15A NCAC 02B .0226, Exemptions From Surface Water

Quality Standards: "Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g)."

NC DEQ DWR has concluded that a variance from the narrative provision at 15A NCAC 02B .0211(12), historically interpreted as an instream true color value of 50 platinum cobalt units (PCU), is no longer necessary. As outlined in the accompanying supporting materials, significant improvements to the instream concentrations of color in the Pigeon River, combined with specific limits on color and an updated reevaluation regarding the narrative provision and protection of the designated uses, support removal of the variance. While 40 CFR Part 131 requires that "a State may not adopt Water Quality Standard (WQS) variances if the designated use and criterion addressed by the WQS variance can be achieved..." by implementing certain effluent measures, the permit contains technology-based effluent limits (see page 4 of the draft permit) that result in achieving the same goal and are in accordance with the most recent US EPA Technology Review Workgroup recommendations. In addition to the removal of the variance, the 2020 draft permit includes monitoring requirements that the facility meet a monthly average delta (Δ) Color of 50 PCU at the Fiberville Bridge, when the Pigeon River flow at Canton is equal or above the Monthly 30Q2 flow of 129 cubic feet per second. Previously, a Settlement Agreement between NC, Tennessee (TN), and the US Environmental Protection Agency (EPA) required that the facility meet an instream color of 50 PCU at the TN/NC state line, located approximately 40 river miles below the discharge. A summary of the history of the variance, review of applicable regulations, and a reevaluation of the stream conditions is located at: <https://deq.nc.gov/news/events/public-notice-hearings>

RECOMMENDATION

In accordance with state and federal regulations, the proposed variance modification to the permit is effectively a change to water quality standards and subject to public hearing. Under 40 CFR Part 131.14 (b)(1)(v) the state has reevaluated the Color Variance, examined the highest attainable condition using all existing and readily available information and, now, provides notification to obtain public input on this reevaluation, to confirm the finding that the present condition for color corresponds to meeting the applicable criterion at 15A NCAC 02B .0211(12) and that a variance is no longer required for this facility per the intent of 40 CFR Part 131. Upon completion of the review process, and certification under 40 CFR Part 132.5(b)(2) from the State's Attorney General's office that proper notification has been given, the results of the EMC decisions will be submitted to the EPA for action.

ONLINE PUBLIC HEARING

In the abundance of caution, and to address protective measures to help prevent the spread of COVID-19, the hearing will be held online.

Date: January 20, 2021

Time: 6 pm

WebEx link: <https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=e6dd914ab0c9b2593dbb23321a36af245>

WebEx password: Nk2BCEzm7P2

WebEx phone number: 1-415-655-0003

WebEx access code: 171 787 6586 (Please see information below regarding registering for, joining, and commenting at the public hearing.)

REGISTRATION

To register for the hearing and provide your preference regarding speaking at the hearing, please visit: https://forms.office.com/Pages/ResponsePage.aspx?id=31F2etC5mkSFw-zCbNftGRcM2xmuszROiks3JDQp2_RURjJSWUpMRThRSURXVzA5WfU5MkdNUzk1UC4u



Or scan the following QR code with your phone:

Registration must be completed by 12:00 pm on January 20, 2021. If you have any problems registering online, please call 919-707-9011 or email peter.johnston@ncdenr.gov by the registration deadline of 12:00 pm on January 20, 2021.

The Division of Water Resources highly recommends testing your computer's WebEx capabilities prior to the hearing at <https://www.webex.com/test-meeting.html>. For instructions about digital ways to join the public hearing, please refer to the WebEx Help Center online at <https://help.webex.com/en-us/>.

To comment during the hearing after your name is called as a registered speaker and/or after the hearing officer asks if any people wish to comment following the registered speakers:

- If you join the hearing by phone, press *3 to “raise your hand,” speak, and press *3 to “lower your hand.”
- If you join the hearing online, press the “raise your hand” icon, speak, and press the “lower your hand” icon.
- The Hearing Officer may limit the length of time that you may speak, so that all those who wish to speak may do so.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) INTENT TO ISSUE NPDES WASTEWATER DISCHARGE PERMIT #NC0000272 WITH PROPOSED REMOVAL OF COLOR VARIANCE**PERMIT APPLICATION**

Notice is hereby given in accordance with NC General Statutes (G.S.) 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 Code of Federal Regulations (CFR) 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the DEQ, Division of Water Resources (DWR) intends to amend effluent permit requirements applicable to Blue Ridge Paper Products, LLC. Public comment or objection to the draft permit renewal is invited. All comments received by April 30, 2021 will be considered in the final determination regarding permit issuance and permit provisions.

Blue Ridge Paper Products LLC, (d/b/a Evergreen Packaging), Permit Number NC0000272. Blue Ridge Paper Products, LLC is authorized to discharge wastewater from a facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, off Highway 215 (175 Main Street), Canton, Haywood County, NC to receiving waters designated as the Pigeon River, French Broad River Basin, in accordance with effluent limitations. Some of the parameters are water quality limited. This discharge may affect future allocations in this portion of the French Broad River Basin. The location of the Outfall is: Latitude: 35°32'08"; Longitude: 82°50'42".

The thermal component of the discharge is subject to effluent limitations under Title 15A North Carolina Administrative Code (NCAC) Subchapter 02B .0211 (18), which proposes thermal effluent limitations disallowing an exceedance of 2.8 degrees C (5.04 degrees F) above the natural water temperature, and in no case to exceed 29 degrees C (84.2 degrees F). The permit holder has requested a continuance of a Clean Water Act Section 316(a) variance. On the basis of 15A NCAC 02B .0208 (b), and other lawful standards and regulations, DWR proposes to continue the 316(a) variance in conjunction with the renewal of the permit.

The draft wastewater permit and all related documents are available online at: <https://deq.nc.gov/news/events/public-notice-hearings>. Printed copies of the draft permit and related documents may be reviewed at the department's Asheville Regional Office. To make an appointment to review the documents, please call 828-296-4500. Public comment on the draft permit renewal and on the proposed removal of the existing color variance should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line.

COLOR VARIANCE INFORMATION

Notice is also hereby given in accordance with NC G.S. 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 CFR 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the NC Environmental Management Commission (EMC) is requesting comment on removing the color variance from the effluent permit requirements applicable to Blue Ridge Paper Products, LLC. All comments received by April 30, 2021 will be considered. Comments should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line. Public records related to the EMC consideration of the variance are located at: <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission-71>

BACKGROUND

The effluent permit limit requirements applicable to Blue Ridge Paper Products, LLC established in compliance with NC G.S. 143-215.1, other lawful standards and regulations promulgated and adopted by the EMC, and the Clean Water Act (Act), as amended, previously contained a variance provision to the state's narrative, aesthetic, water quality standard for color. The variance was granted July 13, 1988, by the EMC, under provisions in G.S. 143-215.3(e). Further, the variance has been continued under regulations contained in 15A NCAC 02B .0226, Exemptions From Surface Water Quality Standards: "Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g)."

NC DEQ DWR has concluded that a variance from the narrative provision at 15A NCAC 02B .0211 (12), historically interpreted as an instream true color value of 50 platinum cobalt units (PCU), is no longer necessary. As outlined in the accompanying supporting materials, significant improvements to the instream concentrations of color in the Pigeon River, combined with specific limits on color and an updated reevaluation regarding the narrative provision and protection of the designated uses, support removal of the variance. While 40 CFR Part 131 requires that "a State may not adopt Water Quality Standard (WQS) variances if the designated use and criterion addressed by the WQS variance can be achieved..." by implementing certain effluent measures, the permit contains technology-based effluent limits (see page 4 of the draft permit) that result in achieving the same goal and are in accordance with the most recent US EPA Technology Review Workgroup recommendations. In addition to the removal of the variance, the 2020 draft permit includes monitoring requirements that the facility meet a monthly average delta (Δ) Color of 50 PCU at the Fiberville Bridge, when the Pigeon River flow

at Canton is equal or above the Monthly 30Q2 flow of 129 cubic feet per second. Previously, a Settlement Agreement between NC, Tennessee (TN), and the US Environmental Protection Agency (EPA) required that the facility meet an instream color of 50 PCU at the TN/NC state line, located approximately 40 river miles below the discharge. A summary of the history of the variance, review of applicable regulations, and a reevaluation of the stream conditions is located at: <https://deq.nc.gov/news/events/public-notice-hearings>

RECOMMENDATION

In accordance with state and federal regulations, the proposed variance modification to the permit is effectively a change to water quality standards and subject to public hearing. Under 40 CFR Part 131.14 (b)(1)(v) the state has reevaluated the Color Variance, examined the highest attainable condition using all existing and readily available information and, now, provides notification to obtain public input on this reevaluation, to confirm the finding that the present condition for color corresponds to meeting the applicable criterion at 15A NCAC 02B .0211(12) and that a variance is no longer required for this facility per the intent of 40 CFR Part 131. Upon completion of the review process, and certification under 40 CFR Part 132.5(b)(2) from the State's Attorney General's office that proper notification has been given, the results of the EMC decisions will be submitted to the EPA for action.

ONLINE PUBLIC HEARING

In the abundance of caution, and to address protective measures to help prevent the spread of COVID-19, the hearing will be held online.

Date: April 14, 2021

Time: 6 pm

WebEx link: <https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=e6dd914ab0c9b2593dbb23321a36af245>

WebEx password: Nk2BCEzm7P2

WebEx phone number: 1-415-655-0003

WebEx access code: 171 787 6586 (Please see information below regarding registering for, joining, and commenting at the public hearing.)

Comment Period Ends: April 30, 2021

REGISTRATION

To register for the hearing and provide your preference regarding speaking at the hearing, please visit:

[https://forms.office.com/Pages/ResponsePage.aspx?id=3IF2etC5mkSFw-](https://forms.office.com/Pages/ResponsePage.aspx?id=3IF2etC5mkSFw-zCbNftGRcM2xmuszROiks3JDQp2_RURjJSWUpMRThRSURXVzA5WFU5MkdNUzk1UC4u)

[zCbNftGRcM2xmuszROiks3JDQp2_RURjJSWUpMRThRSURXVzA5WFU5MkdNUzk1UC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=3IF2etC5mkSFw-zCbNftGRcM2xmuszROiks3JDQp2_RURjJSWUpMRThRSURXVzA5WFU5MkdNUzk1UC4u)



Or scan the following QR code with your phone:

Registration must be completed by 12:00 pm on April 14, 2021. If you have any problems registering online, please call 919-707-9011 or email peter.johnston@ncdenr.gov by the registration deadline of 12:00 pm on April 14, 2021.

The Division of Water Resources highly recommends testing your computer's WebEx capabilities prior to the hearing at <https://www.webex.com/test-meeting.html>. For instructions about digital ways to join the public hearing, please refer to the WebEx Help Center online at <https://help.webex.com/en-us/>

To comment during the hearing after your name is called as a registered speaker and/or after the hearing officer asks if any people wish to comment following the registered speakers:

- If you join the hearing by phone, press *3 to "raise your hand," speak, and press *3 to "lower your hand."
- If you join the hearing online, press the "raise your hand" icon, speak, and press the "lower your hand" icon.
- The Hearing Officer may limit the length of time that you may speak, so that all those who wish to speak may do so.

Release: IMMEDIATE
Date: January 15, 2021

Contact: Anna Gurney
Phone: 919-707-8604

**Rescheduled Public Hearing Date Announced for Blue Ridge Paper Products
Proposed Wastewater Permit Renewal and Variance Removal Public Hearing**
Hearings Rescheduled from Previous Date of January 20, 2021

RALEIGH – The Department of Environmental Quality’s (DEQ) Division of Water Resources (DWR) will conduct an online public hearing Wednesday, April 14, 2021 at 6:00 PM, to review proposed amendments to the Blue Ridge Paper Products, LLC’s (d/b/a Evergreen Packaging) effluent discharge permit. Public comments will be accepted through April 30, 2021. The hearings were originally scheduled for January 20, 2021 and have been postponed to the new date. The permit sets limits and guidelines to the discharge of industrial, stormwater, municipal and landfill leachate wastewaters into waters of the state.

Blue Ridge Paper has requested renewal of its National Pollutant Discharge Elimination System (NPDES) discharge permit for its facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, located off Highway 215 (175 Main Street), in Canton, to receiving waters designated as the Pigeon River, French Broad River Basin.

Revisions include changes in current monitoring requirements at the Fiberville Bridge and removal of a color variance. DWR agrees with the removal of the color variance, based on improved stream conditions noted during a reevaluation, including significant improvements to instream concentrations of color in the Pigeon River. DWR concludes the variance is no longer necessary. A summary of the history of the variance, review of applicable regulations, and a reevaluation of the stream conditions may be viewed [here](#). DWR also agrees with the proposed renewal of the federal 316(a) temperature variance. A fact sheet summarizes DWR’s rationale in developing the NPDES permit limits and monitoring conditions.

ONLINE PUBLIC HEARING

To help prevent the spread of COVID-19, the hearing will be held [remotely](#). Members of the public may participate online or by phone.

Date: April 14, 2021

Time: 6 pm

WebEx link:

<https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=e6dd914ab0c9b2593dbb23321a36af245>

WebEx password: Nk2BCEzm7P2

WebEx phone number: 1-415-655-0003

WebEx access code: 171 787 6586 (Please see information below regarding registering for, joining, and commenting at the public hearing.)

[Registration](#) must be completed by 12:00 pm on April 14, 2021. For online registration issues, please call 919-707-9011 or email peter.johnston@ncdenr.gov by the registration deadline of 12:00 pm on January 20, 2021.

PUBLIC COMMENT PERIOD

Website: www.deq.nc.gov

Facebook: www.facebook.com/ncdeq

Twitter: [@NCDEQ](https://twitter.com/NCDEQ)

1601 Mail Service Center, Raleigh, NC 27699-1601

Public comments are being received through April 30, 2021.

A-26

Public comments may be emailed with “Blue Ridge Paper Products” in the subject line to publiccomments@ncdenr.gov, or mailed through the USPS at:

Wastewater Permitting
Attn: Blue Ridge Paper Products Permit
1617 Mail Service Center
Raleigh, N.C., 27699-1617

Comments will be considered in the final determinations of permit issuance and provisions, and variance removal.

Website: www.deq.nc.gov

Facebook: www.facebook.com/ncdeq

Twitter: [@NCDEQ](https://twitter.com/NCDEQ)

1601 Mail Service Center, Raleigh, NC 27699-1601

a-8



Release: IMMEDIATE
Date: April 8, 2021

Contact: Anna Gurney
Phone: 919-707-8604

**REMINDER: Public Hearing for Blue Ridge Paper Products'
Proposed Wastewater Permit Renewal and Variance Removal**

RALEIGH – The Department of Environmental Quality's (DEQ) Division of Water Resources (DWR) will conduct an online public hearing Wednesday, April 14, 2021 at 6:00 PM, to review proposed amendments to the Blue Ridge Paper Products, LLC's (d/b/a Evergreen Packaging) effluent discharge permit. Public comments will continue being accepted through April 30, 2021.

Blue Ridge Paper has requested renewal of its National Pollutant Discharge Elimination System (NPDES) discharge permit for its facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, located off Highway 215 (175 Main Street), in Canton, to receiving waters designated as the Pigeon River, French Broad River Basin. The permit sets limits and guidelines to the discharge of industrial, stormwater, municipal and landfill leachate wastewaters into waters of the state.

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A-28

Wastewater Permitting
Attn: Blue Ridge Paper Products Permit
1617 Mail Service Center
Raleigh, N.C., 27699-1617

Comments will be considered in the final determinations of permit issuance and provisions, and variance removal.

From: [Thedford, Wren](#)
To: [Kountis, Elizabeth](#)
Subject: FW: [DWRPublicNotices] Public Hearing Rescheduled: Blue Ridge Paper Products LLC, (d/b/a Evergreen Packaging), Permit Number NC0000272
Date: Thursday, May 27, 2021 3:42:17 PM
Attachments: [image001.png](#)
[ATT00001.txt](#)

Below is the information that was sent to DWRPublicNotices List serve.

The ad ran in the following newspapers:

The Mountaineer on 1/27/21.

The Asheville Citizen-Times on 1/27/21.

The Smoky Mountain News on 1/27/21.

From: dwrpublicnotices-bounces@lists.ncmail.net [mailto:dwrpublicnotices-bounces@lists.ncmail.net] **On Behalf Of** Thedford, Wren
Sent: Wednesday, January 27, 2021 6:49 AM
To: DWRPublicNotices <DWRPublicNotices@lists.ncmail.net>
Subject: [DWRPublicNotices] Public Hearing Rescheduled: Blue Ridge Paper Products LLC, (d/b/a Evergreen Packaging), Permit Number NC0000272

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) INTENT TO ISSUE NPDES WASTEWATER DISCHARGE PERMIT #NC0000272 WITH PROPOSED REMOVAL OF COLOR VARIANCE

PERMIT APPLICATION

Notice is hereby given in accordance with NC General Statutes (G.S.) 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 Code of Federal Regulations (CFR) 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the DEQ, Division of Water Resources (DWR) intends to amend effluent permit requirements applicable to Blue Ridge Paper Products, LLC. Public comment or objection to the draft permit modification is invited. All comments received by April 30, 2021 will be considered in the final determination regarding permit issuance and permit provisions.

Blue Ridge Paper Products LLC, (d/b/a Evergreen Packaging), Permit Number NC0000272. Blue Ridge Paper Products, LLC is authorized to discharge wastewater from a facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, off Highway 215 (175 Main Street), Canton, Haywood County, NC to receiving waters designated as the Pigeon River, French Broad River Basin, in accordance with effluent limitations. Some of the parameters are water quality limited. This discharge may affect future allocations in this portion of the French Broad River Basin. The location of the Outfall is: Latitude: 35°32'08"; Longitude: 82°50'42".

The thermal component of the discharge is subject to effluent limitations under Title 15A North Carolina Administrative Code (NCAC) Subchapter 02B .0211 (18), which proposes thermal effluent limitations disallowing an exceedance of 2.8 degrees C (5.04 degrees F) above the natural water temperature, and in no case to exceed 29 degrees C (84.2 degrees F). The permit

holder has requested a continuance of a Clean Water Act Section 316(a) variance. On the basis of 15A NCAC 02B .0208 (b), and other lawful standards and regulations, DWR proposes to continue the 316(a) variance in conjunction with the renewal of the permit.

The draft wastewater permit and all related documents are available online at: <https://deq.nc.gov/news/events/public-notice-hearings>. Printed copies of the draft permit and related documents may be reviewed at the department's Asheville Regional Office. To make an appointment to review the documents, please call 828-296-4500. Public comment on the draft permit and on the proposed removal of the existing color variance should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line.

COLOR VARIANCE INFORMATION

Notice is also hereby given in accordance with NC G.S. 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 CFR 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the NC Environmental Management Commission (EMC) is requesting comment on removing the color variance from the effluent permit requirements applicable to Blue Ridge Paper Products, LLC. All comments received by April 30, 2021 will be considered. Comments should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line. Public records related to the EMC consideration of the variance are located at: <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission-71>

BACKGROUND

The effluent permit limit requirements applicable to Blue Ridge Paper Products, LLC established in compliance with NC G.S. 143-215.1, other lawful standards and regulations promulgated and adopted by the EMC, and the Clean Water Act (Act), as amended, previously contained a variance provision to the state's narrative, aesthetic, water quality standard for color. The variance was granted July 13, 1988, by the EMC, under provisions in G.S. 143-215.3(e). Further, the variance has been continued under regulations contained in 15A NCAC 02B .0226, Exemptions From Surface Water Quality Standards: "Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g)."

NC DEQ DWR has concluded that a variance from the narrative provision at 15A NCAC 02B .0211(12), historically interpreted as an instream true color value of 50 platinum cobalt units (PCU), is no longer necessary. As outlined in the accompanying supporting materials, significant improvements to the instream concentrations of color in the Pigeon River, combined with specific limits on color and an updated reevaluation regarding the narrative provision and protection of the designated uses, support removal of the variance. While 40 CFR Part 131

requires that “a State may not adopt Water Quality Standard (WQS) variances if the designated use and criterion addressed by the WQS variance can be achieved...” by implementing certain effluent measures, the permit contains technology-based effluent limits (see page 4 of the draft permit) that result in achieving the same goal and are in accordance with the most recent US EPA Technology Review Workgroup recommendations. In addition to the removal of the variance, the 2020 draft permit includes monitoring requirements that the facility meet a monthly average delta (Δ) Color of 50 PCU at the Fiberville Bridge, when the Pigeon River flow at Canton is equal or above the Monthly 30Q2 flow of 129 cubic feet per second. Previously, a Settlement Agreement between NC, Tennessee (TN), and the US Environmental Protection Agency (EPA) required that the facility meet an instream color of 50 PCU at the TN/NC state line, located approximately 40 river miles below the discharge. A summary of the history of the variance, review of applicable regulations, and a reevaluation of the stream conditions is located at: <https://deq.nc.gov/news/events/public-notice-hearings>

RECOMMENDATION

In accordance with state and federal regulations, the proposed variance modification to the permit is effectively a change to water quality standards and subject to public hearing. Under 40 CFR Part 131.14 (b)(1)(v) the state has reevaluated the Color Variance, examined the highest attainable condition using all existing and readily available information and, now, provides notification to obtain public input on this reevaluation, to confirm the finding that the present condition for color corresponds to meeting the applicable criterion at 15A NCAC 02B .0211(12) and that a variance is no longer required for this facility per the intent of 40 CFR Part 131. Upon completion of the review process, and certification under 40 CFR Part 132.5(b)(2) from the State’s Attorney General’s office that proper notification has been given, the results of the EMC decisions will be submitted to the EPA for action.

ONLINE PUBLIC HEARING

In the abundance of caution, and to address protective measures to help prevent the spread of COVID-19, the hearing will be held online.

Date: April 14, 2021

Time: 6 pm

WebEx link: <https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=e6dd914ab0c9b2593dbb23321a36af245>

WebEx password: Nk2BCEzm7P2

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WebEx access code: 171 787 6586 (Please see information below regarding registering for, joining, and commenting at the public hearing.)

REGISTRATION

To register for the hearing and provide your preference regarding speaking at the hearing, please visit: https://forms.office.com/Pages/ResponsePage.aspx?id=3IF2etC5mkSFw-zCbNftGRcM2xmuszROiks3JDQp2_RURjJSWUpMRThRSURXVzA5WFU5MkdNUzk1UC4u



Or scan the following QR code with your phone:

Registration must be completed by 12:00 pm on April 14, 2021. If you have any problems registering online, please call 919-707-9011 or email peter.johnston@ncdenr.gov by the registration deadline of 12:00 pm on April 30, 2021.

The Division of Water Resources highly recommends testing your computer's WebEx capabilities prior to the hearing at <https://www.webex.com/test-meeting.html>. For instructions about digital ways to join the public hearing, please refer to the WebEx Help Center online at <https://help.webex.com/en-us/>.

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- The Hearing Officer may limit the length of time that you may speak, so that all those who wish to speak may do so.

Public Notice will run in the following newspapers:

The Mountaineer on 1/27/21.

The Asheville Citizen-Times on 1/27/21.

The Smoky Mountain News on 1/27/21.

State of North Carolina

County of Haywood

Before me, the undersigned notary public, this day, personally, appeared Greg Boothroyd to me known, who being duly sworn according to law, deposes the following:

**The attached NCDENR Division of Water Resources advertisement ran in the January 27, 2021 issue of Smoky Mountain News.



Subscribed and sworn to before me this 28 day of January, 2021.

Armonda Singletary
(NOTARY PUBLIC)

My Commission Expires: Jan 16, 2022

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) INTENT TO ISSUE NPDES WASTEWATER DISCHARGE PERMIT #NC0000272 WITH PROPOSED REMOVAL OF COLOR VARIANCE

PERMIT APPLICATION

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The thermal component of the discharge is subject to effluent limitations under Title 15A North Carolina Administrative Code (NCAC) Subchapter 02B .0211 (18), which proposes thermal effluent limitations disallowing an exceedance of 2.8 degrees C (5.04 degrees F) above the natural water temperature, and in no case to exceed 29 degrees C (84.2 degrees F). The permit holder has requested a continuance of a Clean Water Act Section 316(a) variance. On the basis of 15A NCAC 02B .0208 (b), and other lawful standards and regulations, DWR proposes to continue the 316(a) variance in conjunction with the renewal of the permit.

The draft wastewater permit and all related documents are available online at: <https://deq.nc.gov/news/events/public-notices-hearings>. Printed copies of the draft permit and related documents may be reviewed at the department's Asheville Regional Office. To make an appointment to review the documents, please call 828-296-4500. Public comment on the draft permit and on the proposed removal of the existing color variance should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line.

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RECOMMENDATION

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- The Hearing Officer may limit the length of time that you may speak, so that all those who wish to speak may do so.

NORTH CAROLINA
HAYWOOD COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to

administer oaths, personally appeared _____

Jonathan Rupp who being first
duly sworn, deposes and says: that he (she) is

Publisher

(Owner, partner, publisher, or other officer or employee authorized to make this affidavit)

of THE MOUNTAINEER

engaged in the publication of a newspaper known as
THE MOUNTAINEER published, issued, and entered as second
class mail in the City of
WAYNESVILLE

in said County and State; that he (she) is authorized to make
this affidavit and sworn statement; that the notice or other legal
advertisement, a true copy of which is attached hereto, was
published in THE MOUNTAINEER on the following dates:

January 27, 2021

and that the said newspaper in which such notice, paper, document,
or legal advertisement was published was, at the time of each and
every such publication, a newspaper meeting all of the requirements
and qualifications of Section 1-597 of the General Statutes of North
Carolina and was a qualified newspaper within the meaning of
Section 1-597 of the General Statutes of North Carolina.

This 27th day of January, 2021

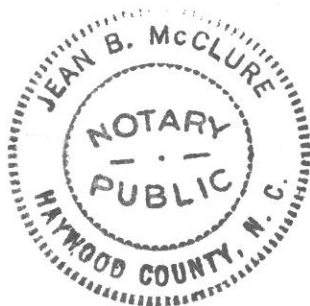
Jonathan Rupp

Signature of person making affidavit

Sworn to and subscribed to before me, this 27th
day of January, 2021

Jean B. McClure

My Commission expires: May 18, 2022
Notary Public



AFFIDAVIT OF PUBLICATION

Issued by
THE MOUNTAINEER
Waynesville, NC 28786

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) INTENT TO ISSUE NPDES WASTEWATER DISCHARGE PERMIT #NC0000272 WITH PROPOSED REMOVAL OF COLOR VARIANCE

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Please be sure to include "Blue Ridge Paper Products" in the email's subject

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<https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission-71>

BACKGROUND

The effluent permit limit requirements applicable to Blue Ridge Paper Products, LLC established in compliance with NC G.S. 143-215.1, other lawful standards and regulations promulgated and adopted by the EMC, and the Clean Water Act (Act), as amended, previously contained a variance provision to the state's narrative, aesthetic, water quality standard for color. The variance was granted July 13, 1988, by the EMC, under provisions in G.S. 143-215.3(e). Further, the variance has been continued under regulations contained in 15A NCAC 02B .0226, Exemptions From Surface Water Quality Standards: "Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g)." NC DEQ DWR has concluded that a variance from the narrative provision at 15A NCAC 02B .0211(12), historically interpreted as an instream true color value of 50 platinum cobalt units (PCU), is no longer necessary. As outlined in the accompanying supporting materials, significant improvements to the instream concentrations of color in the Pigeon River, combined with specific limits on color and an updated reevaluation regarding the narrative provision and protection of the

designated uses, support removal of the variance. While 40 CFR Part 131 requires that "a State may not adopt Water Quality Standard (WQS) variances if the designated use and criterion addressed by the WQS variance can be achieved..." by implementing certain effluent measures, the permit contains technology-based effluent limits (see page 4 of the draft permit) that result in achieving the same goal and are in accordance with the most recent US EPA Technology Review Workgroup recommendations. In addition to the removal of the variance, the 2020 draft permit includes monitoring requirements that the facility meet a monthly average delta (Δ) Color of 50 PCU at the Fiberville Bridge, when the Pigeon River flow at Canton is equal or above the Monthly 30Q2 flow of 129 cubic feet per second. Previously, a Settlement Agreement between NC, Tennessee (TN), and the US Environmental Protection Agency (EPA) required that the facility meet an instream color of 50 PCU at the TN/NC state line, located approximately 40 river miles below the discharge. A summary of the history of the variance, review of applicable regulations, and a reevaluation of the stream conditions is located at: <https://deq.nc.gov/news/events/public-notices-hearings>

RECOMMENDATION

In accordance with state and federal regulations, the proposed variance modification to the permit is effectively a change to water quality standards and subject to public hearing. Under 40 CFR Part 131.14 (b)(1)(v) the state has reevaluated the Color Variance, examined the highest attainable condition using all existing and readily available information and, now, provides notification to obtain public input on this reevaluation to confirm the finding that the present condition for color corresponds to meeting the applicable criterion at 15A NCAC 02B .0211(12) and that a variance is

facility per the intent of 40 CFR Part 131. Upon completion of the review process, and certification under 40 CFR Part 132.5(b)(2) from the State's Attorney General's office that proper notification has been given, the results of the EMC decisions will be submitted to the EPA for action.

ONLINE PUBLIC HEARING

In the abundance of caution, and to address protective measures to help prevent the spread of COVID-19, the hearing will be held online.

Date: April 14, 2021

Time: 6 pm

WebEx link: <https://ncdenrits.webex.com/ncdenrits/0nstage/g.php?MTID=e6d-d914ab0c9b2593db-b23321a36af245>

WebEx password:

Nk2BCEzm7P2

WebEx phone number:

1-415-655-0003

WebEx access code:

171 787 6586 (Please see information below regarding registering for, joining, and commenting at the public hearing.)

REGISTRATION

To register for the hearing and provide your preference regarding speaking at the hearing, please visit: <https://forms.office.com/Pages/ResponsePage.aspx?id=31F2etC5mkSFw-zCbN-ftGRcM2xmuszROik-s3JDQp2RURJSWUpM-RTThRSURXVzA5W-FU5MkdNUzk1UC4u>

Or scan the following QR code with your phone:

Registration must be completed by 12:00 pm on April 14, 2021. If you have any problems registering online, please call 919-707-9011 or email peter.johnston@ncdenr.gov by the registration deadline of 12:00 pm on April 30, 2021.

The Division of Water Resources highly recommends testing your computer's WebEx capabilities prior to the hearing at <https://www.webex.com/test-meeting.html>. For instructions about digital ways to join the public hearing, please refer to the WebEx Help Center online at <https://help.webex.com/en-us/>.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
(DEQ) INTENT TO ISSUE
NPDES WASTEWATER
DISCHARGE PERMIT
#NC0000272 WITH PROPOSED
REMOVAL OF COLOR VARIANCE**

PERMIT APPLICATION

Notice is hereby given in accordance with NC General Statutes (G.S.) 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 Code of Federal Regulations (CFR) 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the DEQ, Division of Water Resources (DWR) intends to amend effluent permit requirements applicable to Blue Ridge Paper Products, LLC. Public comment or objection to the draft permit modification is invited. All comments received by April 30, 2021 will be considered in the final determination regarding permit issuance and permit provisions.

Blue Ridge Paper Products LLC, (d/b/a Evergreen Packaging), Permit Number NC0000272. Blue Ridge Paper Products, LLC is authorized to discharge wastewater from a facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, off Highway 215 (175 Main Street), Canton, Haywood County, NC to receiving waters designated as the Pigeon River, French Broad River Basin, in accordance with effluent limitations. Some of the parameters are water quality limited. This discharge may affect future allocations in this portion of the French Broad River Basin. The location of the Outfall is: Latitude: 35°32'08"; Longitude: 82°50'42".

**NORTH CAROLINA
HAYWOOD COUNTY**

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to

administer oaths, personally appeared _____

Jonathan Huff who being first
duly sworn, deposes and says: that he (she) is

Publisher
(Owner, partner, publisher, or other officer or employee authorized to make this affidavit)

of THE MOUNTAINEER
engaged in the publication of a newspaper known as
THE MOUNTAINEER published, issued, and entered as second
class mail in the City of
WAYNESVILLE

in said County and State; that he (she) is authorized to make
this affidavit and sworn statement; that the notice or other legal
advertisement, a true copy of which is attached hereto, was
published in THE MOUNTAINEER on the following dates:

January 27, 2021

and that the said newspaper in which such notice, paper, document,
or legal advertisement was published was, at the time of each and
every such publication, a newspaper meeting all of the requirements
and qualifications of Section 1-597 of the General Statutes of North
Carolina and was a qualified newspaper within the meaning of
Section 1-597 of the General Statutes of North Carolina.

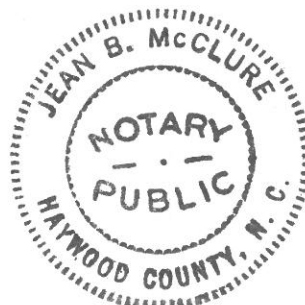
This 27th day of January 2021
Jonathan Huff
Signature of person making affidavit

Sworn to and subscribed to before me, this 27th
day of January 2021

Joan B. McIlwaine
My Commission expires: May 10, 2022
Notary Public

AFFIDAVIT OF PUBLICATION

Issued by
THE MOUNTAINEER
Waynesville, NC 28786



To comment during the hearing after your name is called as a registered speaker and/or after the hearing officer asks if any people wish to comment following the registered speakers:

- If you join the hearing by phone, press *3 to "raise your hand," speak, and press *3 to "lower your hand."

- If you join the hearing online, press the "raise your hand" icon, speak, and press the "lower your hand" icon.

- The Hearing Officer may limit the length of time that you may speak, so that all those who wish to speak may do so.

No. 35770 January 27, 2021

CITIZEN-TIMES

PART OF THE USA TODAY NETWORK

Agency :

NC DIV OF WATER QUALITY
1617 MAIL SERVICE CIR
RALEIGH, NC 27699-1617

Client:

NC DIV OF WATER QUALITY
1617 MAILSERVICE CIR
RALEIGH, NC 27699-1617

Acct: 136634**Acct:** 243428**Phone:** 704-382-6086

Ad#	Advertisement/Description		Items	# Col x# Lines	Cost
GCI0578510			Legal Notices	3 col x 7 col	\$698.00
			Affidavit of Publication Charge	1	\$0.00
			Tearsheet Charge		\$0.00
			<i>Subtotal:</i>		\$698.00
Affidavits: <u> </u> 1					Net Total Due:
					\$698.00

Run Dates: 01/27/2021**This is not an invoice.**

CITIZEN-TIMES

PART OF THE USA TODAY NETWORK


AFFIDAVIT OF PUBLICATION

BUNCOMBE COUNTY

NORTH CAROLINA


Before the undersigned a Notary Public, duly commissioned, qualified and authorized by law to administer oaths, personally appeared said legal clerk, who, being first duly sworn, deposes and says: that he/she is the **Legal Clerk of The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in Buncombe County and State of North Carolina; that he/she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached here to, was published in **The Asheville Citizen-Times** on the following date(s) 01/27/2021. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Signed this 27th of January, 2021



Legal Clerk

Sworn to and subscribed before the 27th of January, 2021



Notary Public of State of Wisconsin, County of Brown
979-21

My Commission expires.

VICKY FELTY
Notary Public
State of Wisconsin

(828) 232-5830 | (828) 253-5092 FAX
14 O. HENRY AVE. | P.O. BOX 2090 | ASHEVILLE, NC 28802 | (800) 800-4204

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) INTENT TO ISSUE NPDES WASTEWATER DISCHARGE PERMIT #NC0000272 WITH PROPOSED REMOVAL OF COLOR VARIANCE

PERMIT APPLICATION

Notice is hereby given in accordance with NC General Statutes (G.S.) 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 Code of Federal Regulations (CFR) 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the DEQ, Division of Water Resources (DWR) intends to amend effluent permit requirements applicable to Blue Ridge Paper Products, LLC. Public comment or objection to the draft permit modification is invited. All comments received by April 30, 2021 will be considered in the final determination regarding permit issuance and permit provisions.

Blue Ridge Paper Products LLC, (d/b/a Evergreen Packaging), Permit Number NC0000272. Blue Ridge Paper Products, LLC is authorized to discharge wastewater from a facility located at the Blue Ridge Paper Products Wastewater Treatment Plant, off Highway 215 (175 Main Street), Canton, Haywood County, NC to receiving waters designated as the Pigeon River, French Broad River Basin, in accordance with effluent limitations. Some of the parameters are water quality limited. This discharge may affect future allocations in this portion of the French Broad River Basin. The location of the Outfall is: Latitude: 35032'08"; Longitude: 82050'42".

The thermal component of the discharge is subject to effluent limitations under Title 15A North Carolina Administrative Code (NCAC) Subchapter 02B .0211 (18), which proposes thermal effluent limitations disallowing an exceedance of 2.8 degrees C (5.04 degrees F) above the natural water temperature, and in no case to exceed 29 degrees C (84.2 degrees F). The permit holder has requested a continuance of a Clean Water Act Section 316(a) variance. On the basis of 15A NCAC 02B .0208 (b), and other lawful standards and regulations, DWR proposes to continue the 316(a) variance in conjunction with the renewal of the permit.

The draft wastewater permit and all related documents are available online at: <https://deq.nc.gov/news/events/public-notices-hearings>. Printed copies of the draft permit and related documents may be reviewed at the department's Asheville Regional Office. To make an appointment to review the documents, please call 828-296-4500. Public comment on the draft permit and on the proposed removal of the existing color variance should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line.

COLOR VARIANCE INFORMATION

Notice is also hereby given in accordance with NC G.S. 150B-21.2 and G.S. 150B-21.3A, G.S. 143-214.1 and federal regulations at 40 CFR 131.20 (b), 40 CFR 131.14 and 40 CFR 25.5 that the NC Environmental Management Commission (EMC) is requesting comment on removing the color variance from the effluent permit requirements applicable to Blue Ridge Paper Products, LLC. All comments received by April 30, 2021 will be considered. Comments should be mailed to: Wastewater Permitting, Attn: Blue Ridge Paper Products Permit, 1617 Mail Service Center, Raleigh, N.C., 27699-1617. Public comments may also be submitted by email to: publiccomments@ncdenr.gov. Please be sure to include "Blue Ridge Paper Products" in the email's subject line. Public records related to the EMC consideration of the variance are located at: <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission-71>

BACKGROUND

The effluent permit limit requirements applicable to Blue Ridge Paper Products, LLC established in compliance with NC G.S. 143-215.1, other lawful standards and regulations promulgated and adopted by the EMC, and the Clean Water Act (Act), as amended, previously contained a variance provision to the state's narrative, aesthetic, water quality standard for color. The variance was granted July 13, 1988, by the EMC, under provisions in G.S. 143-215.3(e). Further, the variance has been continued under regulations contained in 15A NCAC 02B .0226, Exemptions From Surface Water Quality Standards: "Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g)."

NC DEQ DWR has concluded that a variance from the narrative provision at 15A NCAC 02B .0211(12), historically interpreted as an instream true color value of 50 platinum cobalt units (PCU), is no longer necessary. As outlined in the accompanying supporting materials, significant improvements to the instream concentrations of color in the Pigeon River, combined with specific limits on color and an updated reevaluation regarding the narrative provision and protection of the designated uses, support removal of the variance. While 40 CFR Part 131 requires that "a State may not adopt Water Quality Standard (WQS) variances if the designated use and criterion addressed by the WQS variance can be achieved..." by implementing certain effluent measures, the permit contains technology-based effluent limits (see page 4 of the draft permit) that result in achieving the same goal and are in accordance with the most recent US EPA Technology Review Workgroup recommendations. In addition to the removal of the variance, the 2020 draft permit includes monitoring requirements that the facility meet a monthly average delta (Δ) Color of 50 PCU at the Fiberville Bridge, when the Pigeon River flow at Canton is equal or above the Monthly 30Q2 flow of 129 cubic feet per second. Previously, a Settlement Agreement between NC, Tennessee (TN), and the US Environmental Protection Agency (EPA) required that the facility meet an instream color of 50 PCU at the TN/NC state line, located approximately 40 river miles below the discharge. A summary of the history of the variance, review of applicable regulations, and a reevaluation of the stream conditions is located at: <https://deq.nc.gov/news/events/public-notices-hearings>

RECOMMENDATION

In accordance with state and federal regulations, the proposed variance modification to the permit is effectively a change to water quality standards and subject to public hearing. Under 40 CFR Part 131.14 (b)(1)(v) the state has reevaluated the Color Variance, examined the highest attainable condition using all existing and readily available information and, now, provides notification to obtain public input on this reevaluation, to confirm the finding that the present condition for color corresponds to meeting the applicable criterion at 15A NCAC 02B .0211(12) and that a variance is no longer required for this facility per the intent of 40 CFR Part 131. Upon completion of the review process, and certification under 40 CFR Part 132.5(b)(2) from the State's Attorney General's office that proper notification has been given, the results of the EMC decisions will be submitted to the EPA for action.

ONLINE PUBLIC HEARING

In the abundance of caution, and to address protective measures to help prevent the spread of COVID-19, the hearing will be held online.

Date: April 14, 2021

Time: 6 pm

WebEx link: <https://ncdenr.itls.webex.com/ncdenr/itls/onstage/g.php?MTID=e6dd914ab0c9b2593dbb23321a36af245>

WebEx password: NK2BCFzm7P2

WebEx phone number: 1-415-655-0003

WebEx access code: 171 787 6586 (Please see information below regarding registering for, joining, and commenting at the public hearing.)

REGISTRATION

To register for the hearing and provide your preference regarding speaking at the hearing, please visit:

https://forms.office.com/Pages/ResponsePage.aspx?id=31F2etC5mkSFw-zCbNtRGrcM2xmuszROlks3JDQp2_RURJJSWUpMRThRSURXVzA5WFU5MkdNUzk1UC4u

Or scan the following QR code with your phone:

Registration must be completed by 12:00 pm on April 14, 2021. If you have any problems registering online, please call 919-707-9011 or email peter.johnston@ncdenr.gov by the registration deadline of 12:00 pm on January 20, 2021.

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- If you join the hearing online, press the "raise your hand" icon, speak, and press the "lower your hand" icon.
- The Hearing Officer may limit the length of time that you may speak, so that all those who wish to speak may do so.



LIST OF ATTENDEES AND REGISTERED PERSONS: ONLINE PUBLIC HEARING OCTOBER 20, 2020
PROPOSED REMOVAL OF COLOR VARIANCE APPLICABLE TO BLUE RIDGE PAPER PRODUCTS, LLC

First Name Last Name Environmental Management Commission

Charlie Carter Hearing Officer

Div. of Water Resources (CSRRB = Classifications & Standards Rules Review Branch)

Scott	Vinson	Hearing Officer, Regional Supervisor, Raleigh Regional Office
Karen	Higgins	Section Chief, Water Planning Section
Linwood	Peele	Branch Chief, Wate Supply Planning Branch, Water Planning Section
Jeff	Manning	Branch Chief, CSRRB, Water Planning Section
Susie	Meadows	Standards, CSRRB, Water Planning Section
Peter	Johnston	Environmental Technician, CSRRB, Water Planning Section
Bridget	Shelton	Groundwater Water Quality Standards Coordinator, CSRRB, Water Planning Section
Adriene	Weaver	WQC Coordinator, CSRRB, Water Planning Section
Elizabeth	Kountis	Classifications, CSRRB, Water Planning Section
Jeff	Poupart	Section Chief, Water Quality Permitting Section
Julia	Byrd	Permit Writer, Industrial Permitting Unit, NPDES Branch, Water Quality Permitting Section
Sergei	Chernikov	Permit Writer, Industrial Permitting Unit, NPDES Branch, Water Quality Permitting Section
Min	Xiao	Permit Writer, Industrial Permitting Unit, NPDES Branch, Water Quality Permitting Section
Craig	Caldwell	Well Construction & Permitting Program, Groundwater Resources (GWR) Branch, GRW Section
Gilbert	Davidson	Regional Supervisor, Asheville Regional Office
Tim	Heim	Permitting, Asheville Regional Office
Anna	Gurney	Public Information Officer

Div. of Wildlife Resources Commission

Chris Goudreau Western Hydropower Coordinator

US EPA

Stacey	Bouma	Region IV
Lauren	Petter	Region IV

Citizens At Hearing**Email Address****Employer/Representing****City****State****Speaker****Regis-****tered****Registered****to Speak**

Mitch	Buhr	mbuhr25@aol.com	Airbnb/ host	Newport	TN	No	Yes	No
Briggs	Gilliam	briggsgilliam@yahoo.com	Big Creek Expeditions	Hartford	TN	No	Yes	Yes
Mike	McGhee	rmcghee2@bellsouth.net	Blue Ridge Paper	Lawrenceville	GA	No	Yes	No
Paul	Syslo	paul.syslo@everpack.com	Canton Mill	Canton	NC	No	Yes	No
Lu-Ann	Perryman	luann@carolinastatestrategies.com	Carolina State Policy Group	Cary	NC	No	Yes	No
Deborah	Bahr	cweet4water@gmail.com	Clean Water Expected in East TN	NA	TN	Yes	Yes	Yes
Hope	Taylor	hope@cwfn.org	Clean Water for NC	Durham	NC	Yes	Yes	Yes
Janice	Barnes	janice@climateadaptationpartners.com	Climate Adaptation Partners	New York	NY	No	Yes	No
Michaela	Williamson	mrwilliamson99@gmail.com	Cocke Co. Citizen	Cosby	TN	No	Yes	No
Crystal	Ottinger	cottinger@cockecounty.net	Cocke Co. Government	Newport	TN	No	Yes	No
Joshua	Martin	joshua@environmentalpaper.org	Env't'l Paper Network	Asheville	NC	Yes	Yes	Yes
Scott	Bragg	scott.bragg@everpack.com	Evergreen Packaging	Canton	NC	No	Yes	No
Derric	Brown	derric.brown@everpack.com	Evergreen Packaging	Canton	NC	Yes	Yes	Yes
Jay	Clary	jay.clary@everpack.com	Evergreen Packaging	Canton	NC	Yes	Yes	Yes
Daniel	Curry	dan.curry@everpack.com	Evergreen Packaging	Canton	NC	Yes	Yes	Yes
Michael	Ferguson	michael.ferguson@everpack.com	Evergreen Packaging	Clyde	NC	Yes	Yes	Yes
Mark	Lightfoot	mark.lightfoot@everpack.com	Evergreen Packaging	Memphis	TN	No	Yes	No
Reginald	Paige	reginald.paige@everpack.com	Evergreen Packaging	Memphis	TN	No	Yes	No
Tracy	Willis	tracy.willis@everpack.com	Evergreen Packaging	Canton	NC	No	Yes	No
Steve	Hutchins	stephen.hutchinis@everpack.com	Evergreen Packaing	Canton	NC	Yes	Yes	Yes
CeCe	Hipps	chipps@haywoodchamber.com	Haywood Chamber of Commerce	Waynesville	NC	Yes	Yes	Yes
Kevin	Ensley	lkensley@bellsouth.net	Haywood Co.	Waynesville	NC	Yes	Yes	Yes
Ronnie	Clark	ronnieclark2010@yahoo.com	Haywood Co. Schl Board	Clyde	NC	Yes	Yes	Yes
Chuck	Francis	cfrancis@haywood.k12.nc.us	Haywood Co. Schl Board	Waynesville	NC	Yes	Yes	Yes
Jeff	Rich	jeff@jeffreych.com	Jeff Rich Photography	Waxhaw	NC	No	Yes	No
Hartwell	Carson	hartwell.carson@gmail.com	Mountain True	Asheville	NC	Yes	Yes	Yes
Callie	Moore	callie@mountaintrue.org	Mountain True	Murphy	NC	Yes	Yes	Yes
Jillian	Bryan	jillianbryan@yahoo.com	My Comm./Public Health-Cocke Co., TN	Mosheim	TN	Yes	Yes	Yes
Charlotte	Leibrock	charlotteleibrock@hotmail.com	My Family	Newport	TN	Yes	Yes	Yes
Suzi	Phillips	szphllps@aol.com	Myself & River/Water. Lake Prop.Owners	Waynesville	NC	Yes	Yes	Yes
Lance	Baker	lance@bakerlawfirm.com	NA	NA	NA	No	No	No

Blair	Beaty	blair.beaty@gmail.com	NA	NA	NA	No	No	No
Jamie	B. Brown	brownjb@etsu.edu	NA	NA	NA	No	No	No
Tyler	Buesching	tyler.buesching@charter.com	NA	NA	NA	No	No	No
Jan	Compton	jan.compton@tn.gov	NA	NA	NA	No	No	No
Jonathan	Crawford	jonathan.crawford@everpack.com	NA	NA	NA	No	No	No
Lindsay	Dahlin	510dahlin@gmail.com	NA	NA	NA	No	No	No
Alex	Folkard	folkard@etsu.edu	NA	NA	NA	No	No	No
Kelly	Gravuer	gravuer.kelly@epa.gov	NA	NA	NA	No	No	No
Patrick	Hunter	phunter@selcnc.org	NA	NA	NA	No	No	No
Belinda	Joye	belinda_joye@yahoo.com	NA	NA	NA	No	No	No
Holly	Kays	holly@smokymountainnews.com	NA	NA	NA	No	No	No
Katie	Kim	kkim@wbir.com	NA	NA	NA	No	No	No
Michael	Koerschner	mfkoerschner@gmail.com	NA	NA	NA	No	No	No
Tommy	Long	tommy.long@haywoodcountync.gov	NA	NA	NA	Yes	No	No
M	M	mrmck@yahoo.com	NA	NA	NA	No	No	No
Joe	MacDonald	macdsnuts@gmail.com	NA	NA	NA	No	No	No
Jeramey	Montanus	jkm2187@yahoo.com	NA	NA	NA	Yes	No	No
Spectrum	News	spectrumnews@charter.com	NA	NA	NA	No	No	No
Crystal	Novotny	crissnovo@gmail.com	NA	NA	NA	No	No	No
John	Ortt	john.ortt@noc.com	NA	NA	NA	No	No	No
Melanie	Ruhlman	paddlerma@gmail.com	NA	NA	NA	No	No	No
Tina	Shults	ctw1@usit.net	NA	NA	NA	No	No	No
Sarah	Terpstra	sarah.terpstra@tn.gov	NA	NA	NA	No	No	No
Jacob	Trantham	jacob.trantham@everpack.com	NA	NA	NA	No	No	No
Eric	Werner	eric.werner@everpack.com	NA	NA	NA	No	No	No
Kathryn	West	mkwest129@hotmail.com	NA	NA	NA	No	No	No
Charles	Wilson	curt1313wilson@gmail.com	NA	NA	NA	No	No	No
Dyatt	Smathers	dfsmathers@frontier.com	Native of Canton	Mars Hill	NC	No	Yes	Yes
Shane	Malone	m.shane.malone@gmail.com	Off the Beaten Path	Cosby	TN	Yes	Yes	Yes
Donna	Norris	donna4smith@gmail.com	Off the Beaten Path	Newport	TN	Yes	Yes	Yes
Joan	Saffold	saffoldj154@gmail.com	Ole Reds	Hartford	TN	No	Yes	No
Paul	Davis	pedh2o@gmail.com	Paul Davis PE / Self	Mount Juliet	TN	No	Yes	No
Miranda	Barker	mirandabarker.1080@gmail.com	Pigeon River Advocate	NA	NA	No	Yes	No
Amelia	Taylor	amelialetgo@gmail.com	Rapid Expeditions Rafting	Sevierville	TN	Yes	Yes	Yes

Brad	Stanback	castanea@bellsouth.net	Retired	Canton	NC	No	Yes	No
Megan	Kersey	themeagankersey@gmail.com	Rip Roaring Adventures	NA	NA	No	Yes	No
Emily	Kistner	erk94@bellsouth.net	Rip Roaring Adventures	Jefferson City	TN	Yes	Yes	Yes
Joe	Novotny	joe@e3co.land	Rip Roaring Adventures	Dandridge	TN	Yes	Yes	Yes
William	Clarke	bclarke@roberts-stevens.com	Roberts & Stevens, P.A. rep. BRPP	Asheville	NC	No	Yes	No
Spencer	Scheidt	sscheidt@selcnc.org	SELC	Asheville	NC	Yes	Yes	Yes
Sally	Hudson	sally@sunburstchefandfarmer.com	Sunburst Trout Farms	Sapphire	NC	Yes	Yes	Yes
Vojin	Janjic	vojin.janjic@tn.gov	TN DEC - DWR	Nashville	TN	No	Yes	No
Jonathon	Burr	jonathon.burr@tn.gov	TN DEC - DWR	Knoxville	TN	No	Yes	No
Don	Safer	dsafer@comcast.net	TN Scenic Rivers Association	Nashville	TN	Yes	Yes	Yes
Bethanie	Williams	bdwilliams44@tnitech.edu	TN Tech University	NA	NA	No	Yes	No
Zeb	Smathers	zebsmathers@smatherslaw.com	Town of Canton	Canton	NC	Yes	Yes	Yes
Jim	Trantham	trantham@bellsouth.net	Town of Clyde	Clyde	NC	Yes	Yes	Yes

Citizens Registered & Not At Hearing

<u>Email Address</u>			<u>Employer /Representing</u>	<u>City</u>	<u>State</u>	<u>Speaker</u>	<u>Regis- tered</u>	<u>Registered to Speak</u>
Jack	Henderson	hendersonjc3@gmail.com	American Whitewater	Pisgah Forest	NC	No	Yes	Yes
Julie	Ritchey	ritchey.julia@gmail.com	CPP	Hendersonville	NC	No	Yes	No
John	Merritt	jmerritt@dramtreeconsulting.com	Dramtree Consulting, LLC	Wilmington	NC	No	Yes	No
Julie	Lukert	eqilabstaff@gmail.com	Env't'l Quality Institute	Black Mountain	NC	No	Yes	No
Michelle	Pena-Ortiz	michelle.eqilab@gmail.com	Env't'l Quality Institute	Black Mountain	NC	No	Yes	No
Travis	Birchfield	TBirchfield507@gmail.com	Evergreen (Packaging)	Canton	NC	No	Yes	Yes
Wallace	McDonald	Wallace.McDonald@everpack.com	Evergreen (Packaging)	Canton	NC	No	Yes	Yes
Tobi	Mersch	tobi.mersch@everpack.com	Evergreen Packaging	Memphis	TN	No	Yes	No
Heidi	Dunkelberg	heididunk@yahoo.com	H & K Farms	Canton	NC	No	Yes	No
Bryant	Morehead	Bryant.Morehead@haywoodcountync.gov	Haywood County	Waynesville	NC	No	Yes	Yes
Bradley	Davis	dodge_h2o@hotmail.com	I Represent Myself & My Family	Mt. Sterling	KY	No	Yes	No
Barry	Patascher	barrypatascher@yahoo.com	Local Property Owner	Canton	NC	No	Yes	No
H C Tony	Martin	Martinservice@mindspring.com	MartinService	Burnsville	NC	No	Yes	No
Victoria	Labahn	kitaflly2@gmail.com	Myself	Hartford	TN	No	Yes	Yes
Anthony	Pennington	tpenn32@yahoo.com	Myself	Knoxville	TN	No	Yes	Yes
Stephen	Fraley	fraleysj@bellsouth.net	Myself and My Comm.	Clyde	NC	No	Yes	No
Christopher	Ward	bagofscones@outlook.com	NA	Cosby	TN	No	Yes	No
Lauren	Lockamy	Lrlockamy@gmail.com	NA	Clyde	NC	No	Yes	Yes

Melissa	Moss	mmmenergy@yahoo.com	No Employer	Canton	NC	No	Yes	No
Jeffery	Greene	jgreene@mcsweenlaw.com	No One at This Time	Newport	TN	No	Yes	No
Mark	Holmberg	m_holmberg@me.com	Paddling Comm.	Marietta	GA	No	Yes	No
Katy	Buhr	Katymcbuhr@gmail.com	Private Boater & Guide	Newport	TN	No	Yes	Yes
Jesse	Fripp	Jcfripp72@gmail.com	Private Citizen	Clyde	NC	No	Yes	Yes
Phil	Pritchard	phiz@att.net	Retired	Asheville	NC	No	Yes	Yes
Joey	Horner	Jaded80soul@gmail.com	Rip Roaring Adventures	Hartford	TN	No	Yes	No
Scott	Cole	secole2012@gmail.com	Self	Hoover	AL	No	Yes	No
Holly	Jones	kayakin4peace@gmail.com	Self	Sevierville	TN	No	Yes	No
Jonathan	Larimer	jlarimer@gmail.com	Self	Atlanta	GA	No	Yes	No
Felicia	Logan	Felicia.logan1994@gmail.com	Self	Newport	TN	No	Yes	No
Sarah	Olson	Saraholson77@hotmail.com	Self	Nashville	TN	No	Yes	No
Ian	West	ianwestrrt@gmail.com	Self	Knoxville	TN	No	Yes	No
Gregory	Denton	gregory.denton@tn.gov	TN DEC	Nashville	TN	No	Yes	No
Jenny	Dodd	jennifer.dodd@tn.gov	TN DEC	NA	NA	No	Yes	No
John	LeCroy	john.lecroy@tn.gov	TN DEC	Knoxville	TN	No	Yes	No
Austin	Engman	aengman@utk.edu	University of TN	Knoxville	TN	No	Yes	No
Chris	Jennings	Goodphamily@hotmail.com	Whitewater River Guide	Hartford	TN	No	Yes	No

Blue Ridge Paper Public Hearing Oral Comments, April 14, 2021

Against Removal of Color Variance

Amelia Taylor, Rapid Expeditions Rafting

I'm concerned about this permit proposal. Specifically, the removal of the color variance concerns me. In Tennessee, the Pigeon river isn't deemed suitable for full body contact and has poor water quality, foam, a funky smell, and a brown color. I've gotten rashes from the river. It is unacceptable to put more chloroform into the river, and there shouldn't be more pollution allowed into the river each permitting cycle. I'm also concerned about the proposed increase in water use. The Pigeon is one of the nastiest rivers I've paddled in the country.

Hope Taylor, Executive Director Emerita of Clean Water for North Carolina

The discharges into the Pigeon River have improved due to environmental challenges by environmental groups and Tennessee officials, not due to efforts of the Division of Water Quality (DWQ) or the Division of Water Resources (DWR). For the last 20 years, progress has stalled, and there have been essentially no improvements to discharges into the river, except that it doesn't vary as widely. DWR speakers who say this mill is one of the best in the world for environmental performance are using a purely industrial definition of pollutants per ton of production. Because this is a huge mill on a tiny river, the work to restore the river to health is far from over. The current draft permit is unjust for the river and its people, and the color variance shouldn't be removed because the mill doesn't meet a narrative standard for color. The in-stream color level must be monitored and enforced daily at the monitoring point closest to the mill, not just twice a week. The color discharge limits at the pipe must be reduced by 20% to make up for two decades of lost time cleaning up the Pigeon River, and they should be enforced on a daily or weekly basis rather than an annual average. The permit must not allow for increased levels of chloroform and the temperature variance should be reduced a few degrees.

Deborah Bahr, Clean Water Expected in East Tennessee

I'm against removal of the variance because we need the variance and we need further improvement to the river. I'd like to see the effluent be closer to 20,000 pounds. The only reason the mill undertook the environmental improvements they did is that we worked hard for it and paid for it with lives. I am worried about fish testing and dioxin and this testing should be continued. Dioxin is still in the clay and fish tissue. I won't go in the water, I won't let my animals in the water, and when I drive by the water, it creates a taste in the back of your mouth that won't go away for hours. I can see foam in the water, and the color is an issue. I've had paddlers that won't go in the river because of the smell that goes into their gear. I want the river to be as clean below as above. There is a lot of patting on the back going on, but there is still much work to be done.

Jillian Bryan, River Guide and Concerned Citizen

I'm concerned about the removal of the color variance, the increase in allowed chloroform dumping, the dioxin levels, the lack of monitoring of forever chemicals, the increase of water being withdrawn from the river, and how the proposed permit will impact the whitewater and downstream communities. I appreciate the work the mill was forced to do to clean up, and its economic contributions to Canton, but

these contributions do not justify the backsliding on the mill's requirements. I have experienced rashes working on the river, and I know of others who've had rashes and internal injuries due to exposure to the Pigeon river downstream from the mill.

Joe Novotny, Owner of Rip Roaring Whitewater Adventures

I oppose any increase in pollution into the Pigeon River and the lifting of the color variance. Several guides, myself included, have had issues with skin problems and watery eyes and itchy throat. It's great that the local community benefits from the mill, but downstream water users need to be considered too.

Support Color Variance Removal

Derric Brown, Director of Sustainability for Evergreen Packaging

I've been a member of the Haywood County Community for over 50 years. I have been involved with environmental improvements, including reductions of wastewater flow, to the Canton Mill prior to this instant permit and prior to being in my current position. The Canton mill has one of the cleanest wastewater discharges of any paper mill in the world. In the past 20 years, more than 90% of the color discharge into the river has been eliminated. River surveys show that there is a balance of indigenous fish communities in the Pigeon River. Whitewater rafting is gaining in popularity. Managing forests and recycling paper to keep it out of landfills is an important part of our business. Please let the facts speak for themselves by removing the color variance.

Michael Ferguson, Business Unit Manager – Pulp Mill for Evergreen Packaging

I grew up in the area here, and as a local, I know the history of the Pigeon River. In 1989, when I joined Champion International, color in the river wasn't good – 389,000 pounds per day on average. Since that time, I've been a part of over 500 million dollars in investments in color reduction and environmental improvements. These investments and our committed workforce ensure that we can reduce color and protect the river. This permit and the removal of the color variance are appropriate because we believe we are in compliance with North Carolina's water quality standard.

Jay Clary, Operations Manager of Evergreen Packaging

I've worked at the Evergreen mill for 30 years. The permit is important to the employees. The paper company has invested in its employees and worked hard to improve air and water quality. These improvements occurred due to Evergreen's employees' dedication and attention to detail. 30 years ago, we needed the color variance, but now the color variance should be removed from the permit because our work has made the variance unnecessary.

Daniel Curry, Director of Environmental Health and Safety for Evergreen Packaging

I came to the Canton as part of the mill environmental modernization project in 1992. I was part of the team that propelled the mill into the world-class environmental performer that it is today. I have provided environmental consulting to many paper mills, and bar none, this mill has the greatest attention to the environment, particularly to the river, than any of the mills I've been in. Evergreen is committed to continuously improving its environmental performance, and it no longer requires a color

variance. Removal of the variance will not allow us to discharge any additional color that we are discharging right now.

Stance Uncertain on Removal of the Color Variance

Emily Kistner, Pigeon River Guide for Rip Roaring Adventures

I want to re-iterate what the other guides have been saying – the river is horrendous for us. Every year I see guides get bad rashes, especially on their feet, and sometimes they can't even walk or work for a week. The river smell stays with you for hours after you get off the river. It isn't feasible for us to be able to continue if the paper mill is allowed to increase the color variance or chloroform.

Silent on Variance, Spoke about Color

Don Safer, Board Member of Tennessee Scenic Rivers Association

My comments are based on my personal experience with the Pigeon River. This experience of this river as a kayaker is different from any other river I've been on in the Southeastern US. I am concerned about the taste and the color of the river. Sometimes the rocks have an unusual slime on them, and the rocks' color is different. A little bit of the river water will leave a bad taste in your mouth for hours; something is not right about the river. This permit doesn't go far enough to improve water quality, and we should be more proud of the water quality of this river. The number of people who use this river recreationally shouldn't be considered as an endorsement of the water quality. Finally, it has taken too long for this permit to be re-evaluated.

Spencer Scheidt, Associate Attorney at the Southern Environmental Law Center (SELC)

Although progress has been made, work is still needed to improve water quality on the Pigeon, and the current draft permit either doesn't do enough to improve water quality, or allows backsliding on key permit terms. First, temperature limits are required by law to be set as both average monthly and daily limits unless impracticable, but the draft permit doesn't include daily limits or find that they're impracticable. This means that the mill can discharge hot water into the river for days, which can lead to fish kills, and still comply with the permit. This permit doesn't include a weekly limit, although DEQ's 2012 permit did include that. Second, DEQ can't grant a continued thermal variance, as under the Clean Water Act, the mill can only receive that variance if it will ensure the protection of a balanced indigenous population of fish and wildlife. However, below the mill, there is no such balanced indigenous population. Third, the paper industry is a known consumer of PFAS, also known as forever chemicals, which pose serious risks to human and environmental health. Any such use or discharge of such chemicals must be disclosed under the Clean Water Act (CWA). Fourth, DEQ shouldn't reduce the frequency of testing for fish tissue dioxin. Dioxins are known carcinogens that accumulate in fish tissue, and dioxins are still contaminating the river and the fish in the river that people eat. Finally, DEQ can't skip steps when setting pollution limits for the mill. The CWA requires that DEQ first impose technology limits, even if they are more strict than state water quality standards. In the draft permit, DEQ skips this first step for pollutants like heavy metals and color.

Stephen Hutchins, Project Planning and Execution Manager for Evergreen Packaging

I've worked at the Canton Mill since 2009. Evergreen employs over 1,100 people and our annual wages and benefits to Western North Carolina (NC) employees exceeds 95 million dollars. The Canton Mill treats the town of Canton's wastewater on the mill site, and the mill's emergency response team helps with community needs. Since 1990, the Canton Mill has spent more than 500 million dollars on environmental improvements, including color improvements. Today, there is a balanced indigenous aquatic community in the Pigeon River, both above and below the mill. Evergreen has been working with NCDEQ and the EPA concerning the NPDES permit to protect the river and allow the mill to continue to operate.

Silent on Color, Spoke about Variance

Callie Moore, Western Regional Director of Mountain True

We are concerned about the increase in chloroform limits associated with new permit. If the mill is able to meet the existing permit limits, why should we allow more? Many of the mills in the US aren't being fed by high quality waters flowing out of national forests. We are also concerned about temperature; I understand that you're not changing the temperature variance in terms of the amount of temperature increase, but a daily average would be more protective of temperature than a weekly average. Temperature is impacting the aquatic life in the river. There should not be a reduction in dioxin fish tissue monitoring until no fish show dioxin in their tissue. Finally, we have concerns about fecal coliform violations that have been happening, as E. coli and fecal coliform are threats to human health.

CeCe Hipps, President of the Haywood County Chamber of Commerce

I support the permit and variance removal. Evergreen is Haywood County, both of those entities need each other. My father in law worked at the mill for 44 years in the maintenance department, he was proud to work there and thankful for a good job. Evergreen engages and supports the local community and has made investments and improvements to their facilities. Evergreen also provides educational opportunities to children. Evergreen is the largest employer in the county and is a major economic engine in the county.

Joshua Martin, Director of Environmental Paper Network

I am a recreational user of the river for fishing and rafting. I am concerned about the odors and visual impacts that other rafters have noted. We should continue to improve the performance of the mill and not go backwards. We are concerned about the increase in chloroform and about the removal of the variance until further progress can be made. The Department of Environmental Quality (DEQ) should make more efforts to get the Environmental Protection Agency (EPA) to release the Pigeon river study before doing anything to change the standards or increase any allowances.

Donna Norris, Owner of Off The Beaten Path

I've seen a lot of progress regarding the river water quality over the years, and I don't want to see any backsliding. I own a wedding chapel on the riverbank, and people often comment on its beauty. We ask that Canton continue to improve the plant so that we can enjoy clean water on our end. We should not lower any variances.

Michael Malone, Off The Beaten Path

I object to raising the variance and adding to the pollution in the river. I've been a whitewater raft guide for over 20 years, and I've seen an improvement in the water quality. I commend the paper mill for the efforts they've made, and we appreciate the mill's financial contributions to the community. But, I am concerned about the additional output to the river, including temperature, and that pollution should be reduced. Downstream health issues are a problem that need to be addressed.

Spoke Neither about Color or VarianceZeb Smathers, Mayor of Canton, NC

I was born and raised in Canton, and after college and law school, I returned to Canton. Evergreen is the heart and lifeblood of our town, and we embrace it. I have witnessed firsthand throughout the years how much the river water quality has improved. I could not be more proud of what the mill has been able to accomplish.

Kevin Hensley, Haywood County Commissioner

On behalf of the Commissioners, we ask that DEQ approve the permit, mainly due to the huge positive economic value of the mill to our region. The mill also produces recyclable and renewable products that help reduce use of plastic. The mill works hard to reduce discharges into the river. Personally, I own property on Douglass Lake in Tennessee, and the Pigeon River flows into that lake, and there have been no issues with water quality in that lake. I'd rather paper be made in America than in a country like China with weak environmental protections.

Sally Hudson, CEO Emeritus of Sunburst Trout Farms

The Champion paper mill granted my father a lease of land on mill property so that we can raise trout there, and we rely on the Pigeon River as a water source. Our 56-year relationship with the mill has fostered a tight bond between us. During those years, we've employed people of diverse backgrounds, helped our employees with educational pursuits, and hired felons. Many of these employees we helped have returned to Haywood County with their own children. I have developed relationships with the folks who manage the mill, and they have stellar character and try hard to improve their environmental efforts. The mill should be allowed to continue operating while focusing on the perpetual safeguarding and improvement of the Pigeon River.

Chuck Francis, Chairman of Haywood County Board of Education

I am here tonight in support of the permit. I've worked with the mill through the school system, and the mill has been impressive and outstanding. I'd like to thank the mill for their support of Haywood County Schools. I've seen the progress that the mill has made and the many hours they've spent improving the water quality of the river.

Jim Trantham, Mayor of Clyde, NC

I'm a Haywood county native speaking on behalf of the mill and the people in our community. I am a former employee of the mill. The environmental improvements I've seen the mill make have been

remarkable. The mill has brought so much to our people, and it supports its employees' involvement in the community. The mill is one of the largest employers in the area with good, decent wages.

Ronnie Clark, Elected Haywood County School Board Member

I am a former mill employee of 21 years. My father and grandfather both worked at the mill. The mill and its employees have supported our schools and communities. I am proud of the mill and its accomplishments and how much progress it has made.

Bryant Morehead, Haywood County Manager

About 20 percent of our population is eligible for food stamps and Medicaid. The mill is a large employer in our area, and they offer benefits. It is critical to our economy.

Charlotte Leibrock, Resident of Newport

My perception of the river because of the pollution is that it has marred the health, beauty, and livelihood of us here in Newport. Clean water is the best economic engine, and if our river that flows through Newport were clean and clear, we'd have condos, golf courses, parks, and other developments along the banks. I perceive the river to be murky and stinky. It is time for North Carolina and Blue Ridge to do better.

Suzi Phillips, Resident of Haywood County

I live on a lake fed by the Pigeon River, and I strongly object to any lowering of water quality to the waterway by my home. A smelly, dirty river will have a major impact on the lake, my health, and my property value, and wildlife. We need more progress on cleaning up the Pigeon River, not less.

Hartwell Carson, French Broad Riverkeeper with Mountraintrue

We've come a long way from where we were in the 70s-90s, but the goal of the Clean Water Act is to keep us moving forward. My issue with this permit is that it moves us backwards. I am most concerned about temperature – we fought hard this permit cycle to get a weekly limit on temperature instead of the monthly limit. The 2007 fish kill didn't violate the permit limits in place at the time because there could be such wide temperature swings within a month. The North Carolina Wildlife Resources Commission did an extensive temperature study that shows a big temperature discrepancy between up and down river. The wastewater treatment has a long way to go and there have been multiple violations. Also, we shouldn't reduce dioxin monitoring.

Jeremy Montanas, Whitewater Raft Guide on Pigeon River

I oppose any and all rollbacks in regulations. Climate change is a danger to our future and will continue to be a danger if we allow these rollbacks. The mill hasn't been updated since 1980, which isn't modern anymore. The term "sustainability" is little more than a feel-good term used by corporations, as there is no sustainability in dumping any amount of chemicals into a natural river.

Tommy Long, Haywood County Commissioner

I'm on the Solid Waste Committee in Haywood County, and the Commission for a Clean County, which entails picking up trash on a monthly basis. One of the biggest issues we have with trash management is the influx of plastic water bottles. The bulk of what the mill in Canton produces is a biodegradable liquid

container, and we seldom ever pick these up. Most of what we pick up are plastic bottles and aluminum beer cans. I strongly suggest that the permit be renewed. We should promote biodegradable packaging to reduce plastic pollution.