



NORTH CAROLINA  
Environmental Quality

December 22, 2023

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

RICHARD E. ROGERS, JR.  
Director

**CERTIFIED MAIL: 7012 2210 0002 3534 7928**  
**RETURN RECEIPT REQUESTED**

James Clary  
Blue Ridge Paper Products LLC  
175 Main St  
Canton, NC 28716

SUBJECT: NOTICE OF VIOLATION: **NC NOV-2023-TX-0071**  
Whole Effluent Toxicity (WET) Testing  
NPDES Permit No. **NC0000272/001**  
Canton Mill  
Haywood County

Dear Permittee:

This is to inform you that a review of your chronic toxicity self-monitoring report forms for **September 2023** indicates a violation of the toxicity limitation specified in your NPDES Permit.

You should take whatever remedial actions are necessary to eliminate the conditions causing the effluent toxicity violation(s). Your efforts may include conducting a Toxicity Reduction Evaluation (TRE), a site-specific study designed to identify the causative agents of effluent toxicity, isolating the sources of toxicity, evaluating the effectiveness of toxicity control options, and confirming reductions in effluent toxicity. *Please be aware that North Carolina General Statutes provide for assessment of civil penalties for violations of NPDES permit limitations and requirements.*

The reverse side of this Notice contains important information concerning your Whole Effluent Toxicity Monitoring and Reporting Requirements. We encourage you to review this information; if it would be helpful to discuss this situation or possible solutions to resolve effluent toxicity noncompliance, please contact Molly Nicholson at 919-743-8440 or [molly.nicholson@deq.nc.gov](mailto:molly.nicholson@deq.nc.gov).

Sincerely,

DocuSigned by:  
Chris Johnson  
76A7051685F24EA...

Chris Johnson, Environmental Program Manager  
Division of Water Resources, NCDEQ

Attachment

cc: Philip Teague (via email: [Philip.Teague@everpack.com](mailto:Philip.Teague@everpack.com))  
Alison Vincent (via email: [Alison.Vincent@activevergreen.com](mailto:Alison.Vincent@activevergreen.com))  
James Clary (via email: [James.Clary@activevergreen.com](mailto:James.Clary@activevergreen.com))  
Sandra Cobden (via email: [Sandra.Cobden@activevergreen.com](mailto:Sandra.Cobden@activevergreen.com))  
NCDEQ Asheville Regional Office  
ATB Enforcement File & Laserfiche



## **WHOLE EFFLUENT TOXICITY MONITORING AND REPORTING INFORMATION**

The following items are provided in an effort to assist you with identifying critical and sometimes overlooked toxicity testing and reporting information. Please take time to review this information. **The items below do not address or include all the toxicity testing and reporting requirements contained in your NPDES permit.** If you should have any questions about your toxicity testing requirement, please contact Molly Nicholson with the Aquatic Toxicology Branch at (919) 743-8440 or Cindy Moore at (919) 743-8442.

- **DATA SUBMITTAL:** The permittee is responsible for ensuring that toxicity testing is conducted according to the permit requirement and that toxicity report forms are appropriately filed.
  - The reporting of whole effluent toxicity testing data is a **dual requirement**.
    - 1) All toxicity test results must be entered (with the appropriate parameter code) on your monthly Electronic Discharge Monitoring Report (eDMR) and,
    - 2) Your Toxicity test data ("AT" form) must be submitted to the Aquatic Toxicity Branch via:

Email to: [ATForms.ATB@deq.nc.gov](mailto:ATForms.ATB@deq.nc.gov)

**--OR--**

North Carolina Division of Water Resources  
Water Sciences Section/Aquatic Toxicity Branch  
1621 Mail Service Center  
Raleigh, North Carolina 27699-1621

- **Toxicity test results shall be filed with the Water Sciences Section no later than 30 days after the end of the reporting period** (eg, January test result is due by the end of February).
  - To determine if your AT test forms were received on time by the Division of Water Resources, you may consider submitting your toxicity test results certified mail, return receipt requested to the Water Sciences Section or email to the above address, receiving e-confirmation.
  - The Aquatic Toxicity Test forms shall be signed by the facility's Operator in Responsible Charge (ORC) except for facilities which have not received a facility classification. In these cases, a duly authorized facility representative must sign the AT form. The AT form must also be signed by the performing lab supervisor.
- **FAILED TESTS:**
    - Toxicity test condition language contained in your NPDES permit may require use of multiple concentration toxicity testing upon failure of any single quarterly toxicity test. If the initial pass/fail test fails or if the chronic value is lower than the permit limit, then at least two multiple concentration toxicity tests (one per month) will be conducted over the following two months. As many analyses as can be completed will be accepted. If your NPDES permit does not require use of multiple concentration toxicity testing upon failure of any single quarterly test, you may choose to conduct either single concentration toxicity testing or multiple concentration toxicity testing per the Division's WET enforcement initiatives effective July 1, 1999. Follow-up multiple concentration toxicity testing will influence the Division's enforcement response.
- **INVALID TESTS:**
    - If you receive notification from your contract laboratory that a test was invalidated, you should immediately notify the Water Sciences Section at (919) 743-8440 and provide written documentation indicating why the test was invalidated and the date when follow-up testing will occur.
- **TESTING MONTHS:**
    - Toxicity testing months are specified by the NPDES Permit, except for NPDES Permits which contain episodic toxicity monitoring requirements (eg, if the testing months specified in your NPDES permit are March, June, September, and December, then toxicity testing must be conducted during these months).
- **EPISODIC MONITORING:**
    - If your NPDES Permit specifies episodic monitoring and your facility does not have a discharge from January 1-June 30, then you must provide written notification to the Water Sciences Section by June 30 that a discharge did not occur during the first six months of the calendar year.
- **NO DISCHARGE:**
    - If your facility is required to conduct toxicity testing during a month in which no discharge occurs, you should complete the information block located at the top of the AT form indicating the facility name, permit number, pipe number, county and the month/year of the subject report. You should also write "No Flow" on the AT form, sign the form and submit following normal procedures.

