UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

FEB 2 1 2014

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7012 2920 0001 0053 7508)

Mr. Sanford Phillips
Assistant Secretary
Office of Environmental Services
Louisiana Department of Environmental Quality
P.O. Box 4313
Baton Rouge, LA 70821-4313

Re: Preliminary Draft Permit for International Paper Company, Bogalusa Paperboard Mill
LPDES Permit No. LA0007901, AI No. 38936

Dear Mr. Phillips:

EPA recently received an inquiry regarding concerns related to the above referenced facility's discharge. It is noted that the public comment deadline for the draft water discharge permit is February 25, 2014. EPA believes that the permitting authority should consider the following input prior to its final decision.

1) The existing permit (which was modified effective March 1, 2010, with an expiration date June 30, 2011) provides authorization for discharge via only one outfall, Outfall 001, to the Pearl River (Subsegment 090101). The PDP proposes to add authorization to discharge "emergency overflows" which include process wastewater, at three additional locations (Outfalls 002, 003, and 004) to Bogue Lusa Creek and the Pearl River. The PDP proposes that the "summed monitoring results" of Outfall 001, 002, 003, and 004 "be compared with the limits established in Outfall 001 to verify compliance with the permit." Based on the information provided, it does not appear that the permitting authority has established effluent limitations for Outfalls 002, 003, and 004 in accordance with the effluent limitation guidelines in 40 CFR Part 430, Subparts C and J. Also, please clarify if these "emergency overflows" are anticipated to be short-term concerns. Information available in the record indicates that at least some discharges may be temporary until such time that upgrades (increased pumping capacity, rehabilitation to storm water ponds, etc.) are completed.

2) 40 CFR Part 430, Subparts C and J, require additional effluent limitations if chlorophenolic-containing biocides are used. A certification to the permitting authority is required by permittees not using these biocides. If these biocides are not used, the permitting authority must include a permit condition prohibiting the use of chlorophenolic-containing biocides.

3) The fact sheet states that Subsegment 090101 of the Pearl River Basin is listed on the 2012 Final Integrated Report (305(b)/303(d)) as not supporting the designated "use" of fish and wildlife propagation. The suspected causes for the impairment include sulfates (SO_4) and mercury (Hg). A Total Maximum Daily Loads (TMDL) was completed for Hg. This facility was not considered in the TMDL for Hg and monitoring information in the application indicates Hg below the MQL of 0.000005 mg/L. Subsegment 090101 is on the 2012 Section 303(d) list as impaired for SO_4. Table 3, LAC 33:IX.1123, of the state's water quality standards (WQS), contains numeric criteria for SO_4 of 15 mg/L for Subsegment 090101. Monitoring information in the application indicates SO_4 of 600 mg/L. The permitting authority states that

this level of sulfates "would not cause or have reasonable potential to cause, or contribute to an excursion above the water quality standard;" however, since Subsegment 090101 is impaired for sulfates, and a TMDL has not been completed, monitoring and effluent limitations are required to ensure no increase in this pollutant of concern.

4) The fact sheet also discusses a TMDL which was previously completed for fecal coliform (FC). The TMDL discusses "end-of-pipe" FC limitations of 200/400 colonies/100 ml for facilities with sanitary wastewater. Outfalls 001, 002, 003, and 004 all authorize the discharge of sanitary wastewater. Also, for Subsegment 090101, Table 3, LAC 33:IX.1123, of the state's WQS requires "bacterial criteria" for primary contact recreation (also see LAC 33:IX.1113.C.5. of the WQS). Monitoring information in the application indicates FC of 1200/100 mL. The permitting authority states that this level of FC "would not cause or have reasonable potential to cause, or contribute to an excursion above the water quality standard;" however, monitoring and effluent limits for FC at criteria end-of-pipe should be added based on the above to protect the primary contact recreation use.

5) The fact sheet and PDP do not include information related to the cooling water intake structure (CWIS); however, the permit application (February 2011) and addendum (June 2013), indicate that surface water is withdrawn from Bogue Lusa Creek. Based on the information available, this source water appears to be used in this "existing facility" cooling process and a best professional judgment (BPJ) finding regarding minimizing adverse environmental impacts (AEI) appears to be required in the fact sheet, and permit conditions appear to be required to under Section 316(b) of the Clean Water Act. Also, as appropriate, a specific reopener is needed regarding more stringent permit requirements that may be necessary once the "316(b) Existing Facilities Rule" is finalized.

6) The existing permit contains effluent limitations for phenol which were effective until shutdown of the Chemical Plant, cessation of the discharge of OCPSF regulated wastewater, and completion of the OCPSF monitoring event. The fact sheet states that the chemical plant ceased manufacturing operations in September 2010 and dismantling/removal of the plant was completed in January 2011. The fact sheet also includes significant reported levels of phenol for "unauthorized discharges" which occurred in August 2011 when fish kills occurred. The fact sheet states that best management practices "(BMPs) are included in Part II.K." of the PDP; however, EPA believes that, the permitting authority should include permit requirements for phenol, similar to the requirements included in Compliance Order MM-CN-12-00979, to ensure that the state's WQS numeric criteria for phenol (see Table 1, LAC 33:IX.1113.C.6.) is met.

Prior to finalizing this permit, the permitting authority should consider the above input and include additional conditions in the PDP and/or basis for the permit conditions in the fact sheet in accordance with the Clean Water Act and the federal regulations, and provide revisions to EPA. Thank you for your cooperation. If you have any questions, please call me at (214) 665-7170, or have your staff contact Kay Schwab at (214) 665-6635, or EMAIL: schwab.kay@epa.gov.

Sincerely,

Claudia V. Hosch
Associate Director
Water Quality Protection Division
NPDES Permits and TMDL Branch (6WQ-P)

cc: Scott Guilliams (LDEQ Water Permits Division)