

RESPONSE TO COMMENTS
ISSUANCE OF MODIFICATION FOR NPDES PERMIT NO. NH0001562
WAUSAU PAPER PRINTING & WRITING, LLC
GROVETON, NEW HAMPSHIRE

The U.S. Environmental Protection Agency (EPA) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) solicited public comments from November 13, 2006 through December 12, 2006, on the draft National Pollutant Discharge Elimination System (NPDES) permit modification to be issued to Wausau Paper Printing & Writing, LLC formerly named Wausau Papers of New Hampshire, Inc. This permit modification authorizes revisions to the turbidity monitoring, reporting, and sampling requirements for the discharge of treated process wastewaters into the Connecticut River (Outfall 017) and for the discharge of sand filter backwash water into the Upper Ammonoosuc River (Outfall 018). The effluent limitations for flow are revised and the effluent limitations for total residual chlorine (TRC) are eliminated for the discharge from Outfall 018.

During the public comment period, the permittee submitted comments on the draft permit modification. Following is a response to these comments, including identification and explanation of those provisions of the draft permit modification which have changed in the final permit modification.

These responses and associated comments complement the statement of basis and the draft permit modification. The statement of basis was prepared to support the draft permit modification. The "Response To Comments" is a response to each significant written comment received by EPA. The reader will need to be familiar with the draft permit modification and statement of basis, the applicable federal NPDES permit regulations, and the State of New Hampshire's surface water quality standards regulations and State Statutes to understand the responses and associated comments. The New Hampshire water quality standards establish designated uses for the State's waters and contain narrative and numeric criteria to protect such uses - see 50 RSA § 485-A:8 and the N.H. Code of Administrative Rules, Env-Ws 1700-1709 (December 1999).

The original comments form a part of the NPDES Permit file and are summarized and condensed in this document.

Wausau Papers of New Hampshire, Inc notified EPA, on January 16, 2007, that the facility's name was changed to Wausau Paper Printing & Writing, LLC as a result of a corporate restructuring effective January 1, 2007. EPA has acknowledged this name change with the Company in correspondence dated January 30, 2007. This response to comments document and the final permit modification include the new facility name.

Finally, this final permit modification corrects a scrivener's error in the draft permit modification. Due to this error, Part I.A.1 of the draft permit modification contained incorrect values for the temperature effluent limits applicable to Outfall 017, which were not within the scope of the permit modification. The final permit modification corrects this error for the reasons set forth at the end of the responses to comments.

COMMENT NO.1: Wausau Paper Printing & Writing, LLC (Wausau) appreciates the fact that some requested changes have been incorporated into this draft permit modification, especially those related to the safety issues associated with the collection of turbidity samples downstream of Outfalls 017 and 018 during winter and high flow conditions.

RESPONSE NO.1: EPA acknowledges Wausau's comments based on EPA's modification of certain conditions of Wausau's NPDES permit issued in 2005. The statement of basis discusses Wausau's permit modification request and explains the development of the permit provisions in the draft permit modification.

COMMENT NO.2: Wausau requests adding language concerning the frequency of the turbidity monitoring for Outfall 018 (Part I.A.3) and upstream. This additional language would indicate that monitoring is required only if there is a discharge from Outfall 018 during the month.

RESPONSE NO.2: EPA agrees that upstream turbidity monitoring for Outfall 018 is not necessary when there is no discharge from Outfall 018 during a particular month. Also in this situation, because there is no discharge from Outfall 018, further testing as described in superscript #14 is not required for that month. Superscripts #12 and #14 in the final permit modification have been revised to indicate the upstream turbidity sampling in the Upper Ammonoosuc River and the Bench Scale Testing is not required in this situation.

COMMENT NO.3: The turbidity sampling frequency reopener condition in Part I.G.3 of the draft permit modification states that Wausau may submit a written request to the EPA requesting a permit modification to *reduce* the sampling frequency. Wausau requests that this condition be clarified to state that Wausau may request a permit modification to reduce *or eliminate* turbidity sampling. Wausau proposes the following language: "The permittee may submit a written request to the EPA requesting a permit modification to reduce the frequency of or eliminate turbidity monitoring after completion of a minimum of 20 sampling events."

RESPONSE NO.3: EPA agrees with Wausau's request and has revised the turbidity sampling frequency reopener condition (Part I.G.3) in the final permit modification. This reopener condition includes language under which Wausau could request a permit modification to reduce or eliminate turbidity sampling after a minimum of 20 sampling events.

COMMENT NO.4: Wausau believes the proposed turbidity testing procedure, Attachment B. Bench Scale Turbidity Testing Procedure, includes a series of tests at dilutions that are unnecessary for assessing turbidity in the mixing zone. We believe the simple proportioning of turbidity between the discharge and upstream measurements at the proposed ratios listed in this Testing Procedure will provide the desired information. Wausau requests that the bench scale turbidity test include only the 1.0 dilution series because the other dilutions (0.1, 0.25, 0.5, and 0.75) can be calculated based on the upstream and discharge turbidity measurements using the desired dilution factors.

RESPONSE NO.4: Because Wausau was not initially aware of any turbidity and instream related studies to confirm its comment, EPA gave the Company additional time to discuss this subject with its consultant and the National Council for Air and Stream Improvement, Inc

(NCASI). This Council is an independent, non-profit research institute concentrating on environmental topics that are of interest to the forest products industry.

EPA discussed the availability of turbidity/dilution studies supportive of Wausau's comments with the Company in a phone conversation on March 21, 2007. Wausau indicated that data or information on turbidity dilution studies were not located by ENSR, its consulting firm, or by NCASI.

EPA and the NHDES-WD discussed this comment, Wausau's latest findings on the turbidity/dilution studies, and the need to obtain the turbidity data at four dilution values less than the dilution value of 1.0. The Agencies are also not aware of any studies concerning the proportioning of turbidity between the discharge and upstream measurements at different ratios. Accordingly, the Agencies agree that the 1.0 value is the only important value for the turbidity analysis until information on the actual turbidity mixing processes within the receiving water is available. In this situation, the turbidity analysis results at the 1.0 dilution value will be used to determine if a water quality based effluent limit is required. The bench scale test procedure in the final permit modification is revised to delete the dilution series values of 0.1, 0.25, 0.5, and 0.75 for outfalls 017 and 018.

COMMENT NO. 5: If the discharge turbidity for an outfall is less than or equal to 10 NTU, Wausau also requests that no further turbidity testing is required for the sampling event for that outfall.

RESPONSE NO.5: Wausau's permit modification request, dated December 13, 2005, included an analysis and probability plot of the turbidity sampling results for outfall 017 during the period January 2, 2002 to October 31, 2005. This turbidity plot indicates the turbidity for outfall 017 is less than 10 NTU about 70 percent of the time during this period.

EPA agrees that further turbidity testing on a effluent sample for an outfall is not necessary when the discharge turbidity sample, during a particular sampling event, is less than or equal to 10 NTU because the discharge will not exceed the State's surface water quality criterion for turbidity. The State's surface water quality criterion for turbidity indicates Class B waters shall not exceed naturally occurring conditions by more than 10 nephelometric turbidity units (NTUs). See N.H. Code R. Env-Ws § 1703.11(b). In this situation, the Bench Scale Turbidity Testing Procedure and the upstream turbidity sampling is not necessary. The final permit modification is revised to include this change in superscript #14.

Turbidity testing is performed using an approved analytical method found in 40 C.F.R. § 136 as required by the standard permit conditions in Part II.C.1.d. To account for variations in the sampling results and improve the comparison of these results, the turbidity reporting requirements are revised to incorporate the requirements in the approved test method 2130 B (see Standard Methods for the Examination of Water and Wastewater, 19th edition). For example, this method states that turbidity readings should be reported to the nearest 1 NTU for values in the range 10 – 40 NTU. The reporting accuracy for other turbidity ranges are listed in the test method. Attachment B of the final permit modification is revised to include the reporting values for different turbidity ranges under section IV, Bench Scale Turbidity Test Reporting.

CORRECTION OF ERROR RELATED TO TEMPERATURE EFFLUENT LIMITS:

In 2005, EPA reissued Wausau's permit, superseding a prior permit that EPA had issued in 1992. Wausau filed a timely petition for review contesting temperature limits, turbidity monitoring requirements, a flow limit, TRC limits and measurement frequency, and requirements related to the facility's intake structures.

In 2006, EPA issued a Notice of Uncontested and Severable Conditions pursuant to 40 CFR 124.16(a)(2)(ii), identifying the contested conditions that are stayed during the pendency of the appeal, and making fully effective those conditions of the permit not challenged in the petition. Thus, by operation of 40 CFR 124.16(a), during the pendency of the appeal, the temperature limits contained in the 2005 permit are stayed, and the temperature limits from the 1992 permit remain in effect.

In the statement of basis, EPA explained that the scope of this permit modification is restricted to the permit conditions for the turbidity monitoring and reporting requirements at Outfalls 017 and 018, and the flow and TRC limits at Outfall 018; that additional information and data would be necessary to develop and prepare a separate permit modification addressing temperature limits and intake structure conditions; and that EPA intended to address those limits and conditions via a separate permit modification in the near future. Furthermore, the cover sheet for the draft permit modification itself enumerated the conditions affected by the modification, but did not identify temperature limits. The temperature limits for Outfall 017 were not within the scope of this permit modification, and did not constitute "conditions subject to modification" under 40 CFR 122.62 or "conditions to be modified" under 40 CFR 124.5(c)(2).

However, due to a scrivener's error, Part I.A.1 of the draft permit modification contained the temperature limits from the 1992 permit. No party commented on this error during the public comment period; the error was discovered during final review of the permit modification.

While the 1992 temperature limits are in fact currently in effect due to the stay, EPA did not intend through this permit modification to revert to those limits. EPA does plan to modify the temperature limits via a separate permit modification to be submitted for public notice in the near future, but the scope of the present permit modification is limited to those conditions identified on the cover sheet of the draft permit modification and in the statement of basis. Consequently, the error has been corrected in the final permit modification.

May 3, 2007