

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-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 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-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: 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=3IF2etC5mkSFw-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.