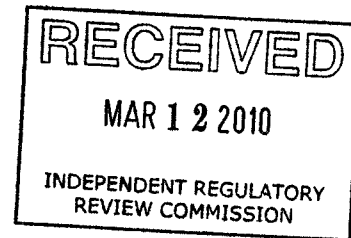


2819

March 11, 2010



VIA EXPRESS MAIL

Environmental Quality Board
Rachel Carson State Office Building
16th Floor
400 Market Street
Harrisburg, PA 17101-2301

To Whom It May Concern:

This letter is to provide written comment by the Domtar Paper Company – Johnsonburg Mill on the proposed rulemaking regarding changes to the National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance rescinding Chapter 92 and creating Chapter 92a. The comment is specific to section §92.51(6) from the proposed rulemaking bolded below:

§92a.41. Conditions applicable to all permits.

This section generally incorporates all permit conditions applicable to NPDES permits as set forth in 40 CFR 122.41(a)—(m) (relating to conditions applicable to all permits applicable to State programs, see 123.25), which were 92.2(b). This section would replace existing incorporated into existing § 92.51 (relating to standard conditions in all permits) except as noted.

Existing §92.51(6) provides "that the discharger may not discharge floating materials, oil, grease, scum, foam, sheen and substances which produce color, taste, turbidity, or settle to form deposits in concentrations or amounts sufficient to be, or creating a danger of being, inimical to the water uses to be protected or to human, animal, plant, or aquatic life." This language paraphrases the requirements of the general water quality criteria in § 93.6 (relating to general water quality criteria). The qualifier that refers to "amounts sufficient to be . . . inimical to the water uses . . ." is thought to be too cryptic and nebulous to be useful, with the result that even substantial visual or odiferous indicators of problems with effluent quality may be overlooked during an inspection. An unqualified prohibition on most of these listed conditions is appropriate, but minor, transient foaming in effluent is not necessarily an indication of problems with the treatment process. The revised provision prohibits all of these conditions except for foam. "Floating materials" refers to floating solid materials, and foaming would still be considered an unacceptable condition if the foaming is visually objectionable, or persists for any distance away from the immediate vicinity of the discharge. The language of §92.51(6) is proposed to be clarified in subsection (c).

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I make comment that an unqualified prohibition on most of these listed conditions is not appropriate. Removing the language "inimical to water uses to be protected or to human, animal, plant, or aquatic life" eliminates the process of determining if color, turbidity, etc. is detrimental to the receiving stream.

The Domtar Paper Company – Johnsonburg Mill has a color limit currently contained in our NPDES permit. The limit was derived by PA DEP based on an evaluation of in-stream color and Q7-10 flow conditions. The Domtar mill has complied continuously with this limit for the life of the current NPDES permit issued in July of 2004. The proposed language "prohibiting all of these conditions" implies that any change in color, turbidity, etc. from a comparison to upstream conditions would be prohibited.

Additionally, a number of river studies conducted by both regulatory agencies and private contractors retained by Domtar to determine downstream conditions (as required by permit conditions) have been completed on the Clarion River. These studies have included water quality conditions, impact to aquatic life and benthic macroinvertebrate evaluations. This is the process that should be used to determine impact or establish regulatory limits. Removing the existing language as proposed subjects a NPDES permitted discharger to a potentially unqualified evaluation of water quality impact and enforcement action.

Should you have any questions regarding this submission, please feel free to contact me at (814) 965-6339.

Sincerely,

DOMTAR – JOHNSONBURG MILL

Andrew M. Redmond
Environmental Health & Safety (EHS) Manager

From: Redmond, Andy [Andy.Redmond@domtar.com]
Sent: Thursday, March 11, 2010 10:37 AM
To: EP, RegComments
Subject: Comment on Proposed Rulemaking - NPDES Permitting, Monitoring and Compliance - Saturday February 13, 2010 Pennsylvania Bulletin
Attachments: EQB Comment Letter 3-11-10.doc

Attached is written comment regarding the proposed Rulemaking published in the Pennsylvania Bulletin on February 13, 2010 for changes to 25 PA Code Capters 92 to Chapter 92a entitled Proposed Rulemaking NPDES Permitting, Monitoring and Compliance.

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