



GreenLaw

Giving Georgia's Environment Its Day In Court

By Fax: (912)-262-3160 and Regular Mail

July 18, 2011

Mr. Bruce Foisy, Acting Manager
Environmental Protection Division
400 Commerce Center Drive
Brunswick, Georgia 31523

Re: Rayonier Performance Fibers; Amendment # 3 to EPD-WQ-4837 Consent Order

Dear Mr. Foisy:

I am writing on behalf of the Altamaha Riverkeeper ("ARK") to comment upon the above-referenced Consent Order Amendment. ARK is a non-profit environmental organization dedicated to protecting and restoring the habitat, water quality, and flow of the Altamaha River from its headwaters in North Georgia to its terminus at the Atlantic Ocean near Darien. ARK represents over 1,000 members who live, work, and recreate in the Oconee, Ocmulgee, and Ochoopee River Basins and their feeder streams that make up the Altamaha River Watershed.

For most if not all of the history of this facility, it has violated state and federal environmental laws by virtue of its near constant discharge of highly colored effluent directly into the Altamaha River. Although EPD has occasionally taken some action in response to these violations, such as the subject Consent Order, EPD has never required Rayonier to perform in a way that actually solves the problem of this colored discharge. If you doubt this statement, we recently had someone do a flyover on a random day (July 13, 2011) to view the site. As you can see from the attached photographs, Rayonier's discharge is wildly unacceptable from any reasonable standpoint. Based upon our inspections and experience, these photographs are typical. We believe that the subject Amendment not only fails to address this ongoing problem but will actually make it worse.

Pursuant to its permit and applicable law, the facility is subject to the Federal Clean Water Act ("CWA"), federal regulations, and the regulations of the State of Georgia. The facility is subject to, among other regulations, Ga. Comp. R. & Regs. r. 391-3-6-.03(5)(c), which states that "all waters shall be free from material related to municipal, industrial, or other discharges which produce turbidity, color, odor or other objectionable conditions which interfere with legitimate water quality uses." Additionally, the facility is subject to Ga. Comp. R. & Regs. r. 391-3-6-.03(5)(d), which states that "all waters shall be free from turbidity which results in a substantial visual contrast in a water body due to man-made activity."

We believe that the facility remains in violation of these standards and, for the reasons stated in this letter, ARK is opposed to the proposed Consent Order amendment. As proposed, the Order fails adequately to protect the receiving waters from Rayonier's highly colored discharge. As proposed, the Consent Order allows Rayonier to continue to discharge color at levels that will continue to violate the Clean Water Act and Georgia law and fails to impose sufficient standards and protocols to address the long-standing problems from this facility. EPD has already allowed Rayonier to discharge excess color in its effluent in violation of the above-referenced laws. This has resulted in a near constant stream of complaints to the ARK offices from local citizens who fish and recreate in this area of the River. Both the color and the odor from the Plant's discharge remain fundamentally offensive to many of the citizens in this area of the State. The Consent Order which this proposed amendment relates to was, frankly, bad enough in its allowance for pollution from this plant. The proposed amendment will only make things worse and is therefore a bridge too far.

Specifically, with regard to the proposed Amendment, Rayonier wishes to convert part of the mill to a more profitable product and is suggesting replacing its commitment to install the very well proven oxygen delignification process for pollutant discharge reduction with an unproven physical/chemical wastewater treatment process akin to those that have failed in others pulp mills in the past. Rayonier's decision to convert its C-mill (the largest of the 3 pulp manufacturing lines in the Jesup plant) to produce "ultra high purity cellulose speciality fiber" ("CSP") is likely to result in a failure to obtain the color limits envisioned in the original Consent Order schedule, which themselves were much higher color discharge levels than are normal in other United States mills.

If the mill were modified according to the original decree, Rayonier would have installed an oxygen delignification system in the C-mill which would have removed a significant proportion of the color (and otherwise polluting) molecules from the pulp stream and burned them in the mill's existing recovery boiler, instead of dumping them to the wastewater treatment plant, where color is further increased before being discharged to the Altamaha River. Rayonier's proposal is to continue to discharge the large flow of highly colored matter from the C-mill, and to treat it using "solid-liquid separation technology" and to recover the filtrates for burning.

It is important to realize that "solid-liquid separation technology" refers to a wide range of generic chemical engineering techniques which are used for a host of purposes. The original consent order referred to oxygen delignification, which is a very specific technology, already proven in over 80% of the kraft pulp mills in the world, including all mills built in the past 20 years or so.

The conversion of C-mill to CSP production will increase color generation, so that treatment will have to be very successful to realize a net reduction. Furthermore, nobody knows whether the discharges from the proposed "solid-liquid separation technology" will cause other issues, such as color enhancement across the existing effluent treatment system, or discharge of environmentally damaging chemicals. Other pulp companies have argued against EPA forcing them to install treatment systems using solid-liquid separation technologies on the basis of such concerns. Most "solid-liquid separation technology" requires adding chemicals to the

wastewater, some of which are ultimately discharged to the river. Some are environmentally problematic. Rayonier has not provided any clues on which chemicals it may use.

ARK believes that Rayonier should comply with the original Consent Order. This would allow it to convert to CSP production while solving the problems of using oxygen delignification to do so. Other mills making competitive grades of pulp have already done so. An alternative would be to replace the existing wastewater treatment system (which uses the aerated stabilization basin or "ASB" process) with a modern activated sludge treatment (AST) system. The Rayonier ASB is considered obsolete by most experts in the industry and would not be accepted anywhere in the world outside North America. All systems built since about 1980 have been AST. Most ASB systems in the European pulp industry have long been replaced by AST systems. Both AST and ASB treatment systems are designed to reduce BOD, suspended solids and toxicity of pulp mill effluents. Any impact on effluent color is incidental. Thus, ARK believes that Rayonier should not be able to modify the C-Mill unless it installs an AST system. While ASB systems, as at Rayonier today, increase wastewater color by about 30%, AST systems reduce it by about one-third. Thus simple replacement of Rayonier's ASB with an AST system would reduce color by about 40%. AST systems use well proven, very widely used, off-the-shelf technology. A system could be installed in under two years.

To allow Rayonier to convert to a process and system that will likely result in an increase in color discharge is, in effect, illegal backsliding. The aim with regard to this plant should be to improve the discharge color levels, not go backward as this proposal likely will.

We appreciate your consideration of these comments and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hutton Brown', with a long horizontal flourish extending to the right.

Hutton Brown
Senior Attorney

cc: Deborah Shepherd (ARK)