

# SOUTHERN ENVIRONMENTAL LAW CENTER

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July 31, 2017

**VIA U.S. MAIL AND E-MAIL**

Mr. Jac Capp  
Georgia Environmental Protection Division  
4220 International Parkway, Suite 101  
Atlanta, Georgia 30303  
James.Capp@dnr.ga.gov

Re: Rayonier Performance Fibers; Permit No. 0003620

Dear Jac:

I am writing on behalf of the Altamaha Riverkeeper to request that the NPDES permit previously issued to Rayonier be withdrawn in order to issue a permit that will ensure protection with the Georgia water quality standards. This request is primarily based upon a recent finding by EPA that the Altamaha River downstream of the Rayonier discharge pipes is currently impaired for both color and odor as a result of the Rayonier discharge.

As you know, Altamaha Riverkeeper has contended that the permit fails to ensure compliance, as it must, with the Georgia narrative water quality standards for odor and color at all times and under all flow conditions. As you also know, the permit's limits on color are sufficiently high that Rayonier has been easily meeting those limits for a number of years despite abundant evidence of chronic and significant discoloration. Also, the permit does not address odor at all.

EPD repeatedly emphasized during the June 2016 trial on this matter that the agency was "committed to undertaking a more thorough scientific analysis" of color and odor in the lower Altamaha River and that it had the authority to reopen the permit if presented with additional information. *See* Tr. Vol. VII at 1807:16-1808:17 (Capp testimony). EPA's finding, attached to this letter as Attachment 1, concludes that "the weight of multiple lines of evidence ... supports a finding of impairment for the color and odor narrative water quality criteria for the lower Altamaha below the Rayonier plant." This finding was issued in March of this year, and therefore addresses the condition of the River even with Rayonier easily meeting the proposed permit limits. The only conclusion that can be reached from this is that the permit's limits fail to ensure protection of the water quality standards.

Additionally, the memo cites an internal Rayonier study documenting odor-causing compounds in Rayonier's wastewater. We assume that Rayonier has never produced this study to EPD since it was not in the documents which EPD made available to the Altamaha Riverkeeper in response to numerous open record requests and because EPD stated at trial that

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“there has been no scientific evidence presented to EPD that demonstrates that odor is an issue.”  
Tr. Vol. I at 61:12-14.

Finally, the memo references statements from Mr. Dan Calhoun of the United States Geological Survey reporting that USGS personnel “routinely hear comments from river users downstream of the plant” that many people find the fish inedible and “that some people swim there but many do not because the water smells of Rayonier.” It goes on to quote Mr. Calhoun’s observation that he “can tell when USGS staff have returned from downstream of Rayonier because the boat and equipment smells like Rayonier wastewater upon its return to Norcross from South Georgia.” Obviously all of these findings go directly to the narrative standard’s prohibition of color and odor that interferes with legitimate uses of the river.

We all know that the permit appeal is ongoing, but the attached memo provides powerful evidence which EPD did not have at the time the permit was issued, all of which comes from either Rayonier or EPA, not Altamaha Riverkeeper. It would be hard to contemplate that the permit would have been issued in the face of this evidence in addition to all the other evidence in EPD’s files. EPD, of course, retains not just the right and power, but the obligation, to withdraw the permit to make sure that it complies with the law, notwithstanding the current litigation.

We therefore respectfully request that EPD withdraw the permit and issue a new one that meets the requirements of the law. We are happy to meet or talk with you further about this matter and appreciate your attention to this important issue.

Sincerely,



Hutton Brown

cc: Graham Barron  
Jen Hilburn  
Donald D.J. Stack



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MEMORANDUM

DATE: March 16, 2017

SUBJECT: Water Quality of the Lower Altamaha River

FROM: Franklin Baker, Senior Technical Advisor *FB*  
Water Quality Planning Branch

TO: Joanne Benante, Chief  
Water Quality Planning Branch

I have reviewed information regarding water quality in the lower Altamaha River. I find that the information suggests the lower Altamaha River, downstream of the Rayonier plant, is and has been impaired under the GAEPD water quality standards for color and odor.

EPA issued an information request letter, under Section 308 of the Clean Water Act dated September 29, 2016 and received the response from Rayonier on December 2, 2016. Rayonier provided copies of studies, analyses, and other information it had regarding its industrial process wastewater and water quality in the Altamaha River. Rayonier also included copies of reports and other information related to hearings on the permit renewal in 2016.

The 308 response included a study Rayonier did in July 2009 in response to complaints from fishermen regarding unusual odor in fish caught near the Rayonier outfalls. Rayonier conducted wastewater analyses to identify the odor causing compounds in the wastewater. Rayonier's consultant found sulfur compounds- mercaptans, in the wastewater including 2-furfuraldehyde, 2-methoxyphenol (Guaiacol), ethyl mercaptan, butyl mercaptan, dimethyl sulfide, and butyric acid. The consultant's analytical report describes the levels of odor causing compounds in July 2009 as close to the average of historic levels. Furthermore, the report states that the levels of odor compounds are not near the maximum values found in the historic data. These last statements suggest that the levels of odor compounds in the wastewater and river are occasionally higher and more offensive than those that resulted in the specific complaints and study of 2009. Scientific studies have found that mercaptans are moderately toxic to aquatic organisms but with limited potential for bioaccumulation. Mercaptans have notoriously obnoxious odors detectable at extremely low levels and concentrations. Ethyl mercaptan is used as a warning odorant for normally odorless commercial propane and natural gas. Ethyl mercaptan odor is considered detectable down to 0.00035 ppm in air.

The 2009 study report states that effluent dilution in the river would leave the constituents below the detection level of standard analytical methods notwithstanding the reported unusual fish odors of the complaints. The report shows the Altamaha River was flowing at about 3000 cubic

of the total volume of the river. The stained plume of wastewater appears similar to the dark tannin stained water of blackwater streams draining wetlands commonly found further downstream. While natural inflows of blackwater streams occur downstream, this blackwater-like wastewater discharge is not natural and particularly objectionable to users combined with the odor of the industrial process wastewater of the Rayonier plant.

In addition to the 308 response, we received numerous letters and emails containing complaints and concerns from respondents in 2016 objecting to the wastewater discharge impact on the river color and odor during the most recent NPDES permit renewal public notice period. There have been numerous local television and newspaper articles interviewing residents, fisherman, and local politicians raising concerns about the discharge color, odor, and the taste of fish caught near and downstream of the Rayonier industrial wastewater discharge. In addition, the Altamaha Riverkeeper and other advocacy groups have repeatedly raised concerns about impacts from the wastewater discharge for many years.

Finally, I have had several conversations with Mr. Dan Calhoun of the United States Geological Survey, South Atlantic Water Science Center, in Norcross, Georgia about the Altamaha River. The Center performs routine monitoring for basic water quality parameters under contract with Georgia EPD. Mr. Calhoun shared that they routinely hear comments from river users downstream of the plant saying that, while the fishing is good, the fish are inedible because of the taste which is strongly like the smell of the Rayonier plant discharge. These comments include those from anglers more than 10 miles downstream particularly when flows are low in the summer and autumn. Mr. Calhoun explained that there is a Glynn County regional park about 20 miles downstream of the plant that has camping facilities, boat launches, and a designated swimming beach area. Mr. Calhoun says that some people swim there but many do not because the water smells of Rayonier. Mr. Calhoun added that he can tell when USGS staff have returned from sampling the Altamaha River downstream of Rayonier because the boat and equipment smells like Rayonier wastewater upon its return to Norcross from South Georgia.

I will continue to seek, gather, and analyze information from various sources regarding water quality in the lower Altamaha. In my opinion, the weight of multiple lines of evidence described above supports a finding of impairment for the color and odor narrative water quality criteria for the lower Altamaha River below the Rayonier plant.