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ENVIRONMENTAL QUALITY BOARD


 GLATFELTER
Beyond Paper
INDEPENDENT REGULATORY
REVIEW COMMISSION

February 3, 2010

CERTIFIED MAIL – Return Receipt Requested

 Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-2301

Re: P.H. Glatfelter Company comments regarding proposed TDS regulations

Dear Environmental Quality Board:

The P.H. Glatfelter Company (Glatfelter) submits the following comments regarding the amendments to 25 Pa. Code Chapter 95 proposed by the Environmental Quality Board (EQB) to further regulate the discharge of total dissolved solids (TDS), sulfate and chloride. The proposed amendments were published on November 7, 2009, at 39 Pa. Bull. 6467.

Glatfelter's Spring Grove Facility is an integrated pulp and paper mill located in York County that discharges treated effluent to the Codorus Creek. The facility produces approximately 700 tons of bleached kraft pulp and 1000 tons of uncoated paper daily, and operates two off-machine coaters and significant power generation facilities. Approximately 1000 people are employed at the mill.

The Spring Grove Mill currently discharges approximately 14 MGD of "high-TDS" wastewater (as defined in the proposed regulation). The major sources of TDS in the effluent are bleach plant effluents, bleaching chemical production effluent, scrubber underflows and boiler water treatment effluents. Combined, these high-TDS waste streams total approximately 6 MGD of flow.

Glatfelter's Spring Grove Mill is recognized as one of the most efficient mill in the United States in terms of water use and conservation. It also is recognized by USEPA as a model in terms of treated effluent quality (BOD, TSS and color), and in spent pulping liquor spill and loss prevention. The mill is also one of the few pulp mills enrolled in the Voluntary Advanced Technology Incentives Program (VATIP) that imposes process limits that indirectly reduce the quantity of TDS generated in the bleaching and bleach chemical production processes.

Recommendations and Considerations

- The *Background and Purpose* section of the Proposed Rulemaking fails to provide a compelling case for “one-size-fits-all” statewide regulation that disregards the significant assimilative capacity that exists in many areas of the Commonwealth. If finalized in its current form, the regulation would effectively preclude certain industries from building new facilities anywhere in Pennsylvania. It would also make it prohibitively expensive to expand or modify existing high-TDS discharge facilities if the proposed changes would re-classify the existing facility as a “new discharge” as defined by the proposed regulation (see below). Fundamentally, in the proposed regulation, the Department attempts to regulate the entire Commonwealth and its myriad industries based on problems apparently arising from the Marcellus Shale gas drilling. This is not appropriate and the proposed regulations should be revised to address the problems the Department seeks to address in particular, not across every industry.
- The Department already has significant regulatory mechanisms in place to address water quality concerns associated with TDS, chloride and sulfate concentrations. Chapter 93 water quality criteria for TDS, chloride and sulfate currently limit the discharge of these constituents from point sources to waters, especially if those waters have little or no assimilative capacity. Chapter 93 also contains an osmotic pressure water quality criterion designed to provide for the protection of aquatic biota. Additionally, whole effluent toxicity tests (WETT) are required for NPDES permit issuance or renewal, to address the potential for aquatic toxicity resulting from the combination of known and unknown toxic constituents in wastewaters. Adding a discharge parameter for these substances in Chapter 95 will not provide increased protection to the waters of the Commonwealth, and only creates the possibility of conflict between the provisions and redundant regulation.
- Addressing the TDS issue on a watershed basis would minimize the economic impact and focus regulatory efforts where they are best expended.
- The definition of the term “new discharge” in 95.10 (a) of the proposed rulemaking is ambiguous, and of particular concern to Glatfelter. Further, the terms “expanded discharge” and “increased discharge” are not defined and could be construed on a flow, concentration or mass loading basis. **The importance of this issue to Glatfelter cannot be overstated. Should Glatfelter’s Spring Grove Mill be designated a “new discharge” under the regulation, it would require the advanced treatment of more than six million of gallons of effluent per day, and the subsequent generation and disposal of large quantities of concentrated TDS wastes (>50 tons/day dry basis).** Glatfelter does not know at this time what treatment processes (if any) are feasible to treat these waste streams that also contain high concentrations of organic materials and some residual oxidizers. The cost of the required treatment and disposal would be very high, quite possibly prohibitive. This is especially troublesome because, as the regulation is currently written, an “increase” in TDS discharge could be caused by something as benign as an increase in flow of a waste stream containing nominal TDS concentrations.

In Glatfelter's case, this could be caused by an increase in the volume of secondary-treated effluent accepted by the facility from neighboring municipalities for tertiary treatment of nutrients. Should the proposed regulation be finalized in its current form, Glatfelter would be prevented from expanding any of its operations, installing water-based air pollution control equipment, or accepting additional effluent flow from neighboring municipalities without incurring significant additional costs.

- The proposed regulation lacks any allowance for any increase of TDS discharge on any basis for existing potential high-TDS facilities, regardless of assimilative capacity of the receiving stream. The regulation does not provide for de minimis increases, or state that increases must be associated with process modifications. Nor does it state how the baseline discharge is determined. These issues create great uncertainty regarding permitting and compliance. Without a de minimis allowance, facilities that are subject to product or effluent variations will not be able to adapt their operations to meet customer demands and therefore be placed at a debilitating competitive disadvantage. The air regulations recognize this need, providing for "de minimis" increases for which no permitting action is required, and larger increases before extensive permitting is required (the PSD program for example).
- As alluded to previously, the proposed regulation contains no provision for increased TDS discharges from existing facilities due to the addition of required pollution control equipment.
- The *Benefits, Costs and Compliance* section of the proposed rulemaking notice provides little evidence that the Department has considered the potential cost and disposal issues of the proposed regulation outside of Marcellus Shale development activities. There is no indication that the Department has identified the range of industries potentially impacted by the proposed regulation, or the unique challenges and expenses that each of those industries would face attempting to comply with the regulation. It is not certain that cost-effective, feasible technologies exist for all potentially impacted industries.
- The Department's cursory assessment of compliance costs for existing facilities is inadequate, and significantly understates the potential impact. That assessment assumed that existing facilities are static and will not change. Today's business and regulatory climate dictate change on a routine basis.
- In many instances, the required advanced treatment technologies required to remove TDS would produce concentrated wastes (concentrated brines and water-soluble salts) with greater potential for environmental liability than the original high-TDS effluents.
- The Department also did not address the availability of disposal sites for large quantities of these concentrated TDS wastes, and the potential environmental liabilities associated with their transport and disposal.
- The Department does not provide evidence that they have evaluated the feasibility of utilizing various advanced treatment technologies to effectively treat the various high-

TDS effluents that they propose to regulate. Such an evaluation should also consider the environmental impacts of the proposed treatment technologies, such as increased air emissions related to power and transportation requirements.

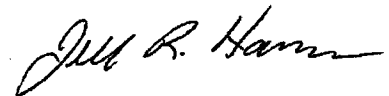
- Finally, the proposed regulation does not reflect the knowledge that the most environmentally sound manner of dealing with non-toxic TDS wastes is to discharge it to a stream with sufficient assimilative capacity. Most TDS is inorganic salts, the "treatment" of which only changes the form or concentration. The resulting concentrated wastes must then be discharged elsewhere or sequestered in disposal sites or injection wells. Any enacted TDS regulation should allow the discharge of non-toxic TDS waste in its most dilute form to streams with sufficient assimilative capacity to protect downstream water users and aquatic life.

In summary, Glatfelter believes the proposed regulation is overly broad in scope and unnecessary for addressing the existing or potential TDS, sulfate and chloride water quality criteria issues currently encountered in a limited number of Pennsylvania watersheds. These issues would be better addressed by programs targeted at the affected watersheds. Mandating state-wide effluent concentration limits for high-TDS discharges equal to the existing water quality criteria for discharges to streams with sufficient assimilative capacity will impose unnecessary costs on some Pennsylvania businesses, and will create new environmental and waste disposal challenges. For these reasons, we ask the Environmental Quality Board to revise the proposed amendments to 25 Pa. Code Chapter 95 to accommodate these comments.

Glatfelter thanks you for this opportunity to provide comments and your consideration of them. We support efforts in preserving and protecting the water quality of the Commonwealth.

Sincerely,

GLATFELTER



Jeff R. Hamon
Assistant Environmental Director