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October 21, 2005

VIA OVERNIGHT MAIL

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, DC 20005

Re: Submission for Petition for EAB Review of NPDES Permit No. NH0001562, Issued to Wausau Papers of New Hampshire, Inc.

Dear Sir or Madam:

On behalf of Wausau Papers of New Hampshire, Inc., I am submitting an original and five copies of the enclosed petition for review of certain conditions established by EPA Region 1 in the above-captioned NPDES permit. This petition follows EPA Region 1's issuance of the final permit on September 20, 2005.

Our petition includes several exhibits for the benefit of the Board. If the Board requires additional information concerning this petition, please contact us at your earliest convenience.

Sincerely,

William Taylor

William E. Taylor

WET:nej
Enclosures

cc via overnight mail: William Wandle, EPA Region 1
Ann Williams, EPA Region 1
cc via regular mail: David Atkinson, Wausau Papers of New Hampshire, Inc.
Brian Pitt, EPA Region 1
Roger Jansen, EPA Region 1
George Berlandi, NH DES

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re:	)
WAUSAU PAPERS OF NEW HAMPSHIRE, INC.	)
Permit No. NH0001562	)

PETITION FOR REVIEW

TABLE OF AUTHORITIES

INTRODUCTION

Pursuant to 40 C.F.R. § 124.19(a), Wausau Papers of New Hampshire, Inc. ("Petitioner" "Wausau," or "Permittee") petitions for review of the conditions of NPDES Permit No. NH0001562 ("the Permit"), which was issued to Wausau on September 20, 2005, by Region 1 of the United States Environmental Protection Agency ("EPA"). The permit at issue in this proceeding authorizes Wausau to discharge treated wastewater effluent into the Connecticut River and sand filter backwash water to the Upper Ammonoosuc River. Petitioner contends that certain permit conditions are based on clearly erroneous findings of fact and conclusions of law or demonstrate an exercise of discretion on an important policy consideration warranting Environmental Appeals Board review. Specifically, petitioner challenges the following permit conditions:

(1) The monthly average temperature limits and daily maximum temperature limits for Outfall 017. (Permit Condition Part I.A.1.)

(2) The upstream and downstream turbidity monitoring requirements for Outfalls 017 and 018. (Permit Condition Part I.A.1 and Part I.A.3.)

(3) The monthly average flow limit for Outfall 018. (Permit Condition Part I.A.3.)

(4) The monthly average and daily maximum limits for total residual chlorine and the measurement frequency for total residual chlorine. *See* Permit Condition, Part I.A.3.

(5) The requirement to prepare a report and design plans for the installation of intake screens and other design elements at the facility's intake structures on the Upper Ammonoosuc River to prevent/minimize both the entrainment of Atlantic salmon smolt and their mortality from impingement. *See* Permit Condition Part I.C.1.a. and b.

FACTUAL BACKGROUND

Wausau is engaged in the manufacture of printing and writing papers. Its manufacturing facility is located in Groveton, New Hampshire. The facility generates process wastewater as well as noncontact cooling water, boiler blowdown and stormwater flows that are discharged to the Connecticut River through Outfall 017. The facility also generates sand filter backwash water, which is discharged to the Upper Ammonoosuc River through Outfall 018. The facility's previous NPDES permit authorizing these discharges was issued on May 5, 1992, by EPA Region 1. Wausau made timely application for permit renewal reissuance on November 4, 1996. The 1992 permit, which would have expired by its terms on May 5, 1997, was "administratively extended as the applicant filed a complete application for permit reissuance within the prescribed time period as per 40 Code of Federal Regulations (C.F.R.) § 122.6." *See* Fact Sheet, page 1. A draft permit with attached Fact Sheet was issued on March 30, 2001. Wausau filed

timely written comments on the March 30, 2001 draft permit. *See* Comments of Wausau Paper, May 1, 2001.

On September 20, 2005 a final NPDES permit was issued and received by Wausau on September 22, 2005. The permit included the Agency's response to each significant written comment received by EPA (Response to Comments). During the four-and-a-half year gap between the issuance of the draft permit on March 30, 2001, and the issuance of the final permit with Response to Comments on September 20, 2005, there was very little contact between the EPA Region 1 Office and Wausau. On October 21, 2005, Wausau responded to EPA's Response to Comments, which it received with the final permit on September 22, 2005. *See* Exhibit A.

THRESHOLD PROCEDURAL REQUIREMENTS

Petitioner satisfies the threshold requirements for filing a petition for review under Part 124, to wit:

1. Petitioner has standing to petition for review of the permit decision because it participated in the public comment period on the permit. *See* 40 C.F.R. § 124.19(a).

2. The issues raised by Petitioner in its petition were raised during the public comment period and therefore were preserved for review or are issues arising out of new permit conditions not contained in the draft permit.

3. Wausau has timely filed this petition for review within 30 days of receipt of the final permit under the procedures set out in 40 C.F.R. § 124.19 and § 124.20.

ISSUES PRESENTED FOR REVIEW

I. EPA's Basis for the Proposed Monthly Average and Daily Maximum Temperature Limits for Outfall 017 is No Longer Valid Considering that It Relied on Incomplete Data and Ignored Data Indicating that Higher Temperature Limits Were Necessary?

EPA was provided with April 2002 data in Wausau's discharge monitoring reports which indicated an exceedance of the proposed limits, but did not identify those values in its Response to Comments. It apparently limited its review to data received from November 2002 to October 2004, and ignored data from April 2002, specifically, as well as all other temperature data reported since October of 2004, which indicated that the proposed limits were not attainable. *See* Response to Comments, page 4. Because of continuing efforts to reduce water consumption, Wausau noted in its May 1, 2001 comments that its Outfall 017 effluent temperature would continue to rise.

II. Are EPA's Turbidity Monitoring Requirements Based on Erroneous Facts and Conclusions of Law Because It Cannot Make a Determination as to

Whether There is Reasonable Potential for the State Turbidity Standard to be Violated?

In its May 1, 2001 comments, Wausau objected to the imposition of a turbidity condition, which simply restated the state water quality standard for turbidity based on aesthetics. EPA failed to translate the standard into specific effluent limitations applicable to the facility's discharge. Wausau requested that the turbidity condition in Paragraph 4 of Part I.A of the draft permit be deleted. EPA made the requested deletion, but added new turbidity conditions which Wausau received for the first time on September 22, 2005. EPA concedes in its Response to Comments that it has no evidence to determine whether there is reasonable potential for the state turbidity standard to be violated. *See* Response to Comments, page 8-9.

III. Is EPA's Basis for the Outfall 018 Flow Limit Erroneous Because It Failed to Consider Significant Changes in Wausau's Operations and New Flow Data Indicating Significantly Higher Flows?

In its May 1, 2001 comments, Wausau asked that the proposed flow limit of .6 mgd at Outfall 018 be eliminated because of the need to more frequently backwash the facility's sand filters. Subsequent to May 2001, there have been significant changes in the operation of the Wausau facility which require even more frequent backwashing of the sand filters to ensure that intake waters are of a

quality necessary to produce high brightness paper. *See* Exhibit B. Wausau has not had an opportunity until this time to comment on the new flow limit for Outfall 018 or EPA's justification for establishing the flow limit as set out in its Response to Comments. In its October 21, 2005 letter to EPA responding to EPA's Response to Comments, Wausau has indicated that a 1.5 mgd flow limit is necessary for operational purposes to ensure a water quality sufficient for its papermaking operations.

IV. Are EPA's Total Residual Chlorine Limits for Outfall 018 and the Monitoring Frequency Required for Total Residual Chlorine Appropriately Derived and Based on Complete and Accurate Data?

In its March 30, 2001 draft permit, EPA proposed a total residual chlorine ("TRC") limits at Outfall 018 of 0.53 monthly average and 0.91 daily maximum. *See* Draft Permit, page 4. Wausau commented on the proposed TRC limit and requested that the limit be calculated based on mass loadings. Rather than change the TRC limit to a mass-based limit, or retain the proposed TRC limit, EPA made the TRC limit significantly more stringent in the final permit. The final permit limits for TRC are 0.39 monthly average and 0.68 daily maximum. *See* Final Permit, page 4. Wausau has not had an opportunity to comment on these substantially more stringent total residual chlorine limits in the final permit.

V. Are EPA's Required Modifications to Wausau's Cooling Water Intake Structures Based on an Erroneous Conclusion that Atlantic Salmon Smolt Have Been Entrained in Wausau's Intake Structures?

In its May 1, 2001 comments on the draft permit, Wausau questioned the need for any work on its intake structures under 316(b) of the Clean Water Act. *See* Comments of Wausau Paper, May 1, 2001, pages 3-4. EPA's draft permit contained a condition requiring the design plans for installation or replacement trash racks at the company's intake structures. It left to the permittee the determination as to the appropriate design elements to prevent fish entrainment and impingement at these intakes in consultation with resource agencies. Wausau was concerned that there were no established regulatory standards relating to construction or operation of intake structures since the 316(b) rulemaking process had not been completed. In the final draft, the requirements for upgrading the intake structure were changed substantially to specify specific fish screen and fish return systems, and for the first time, clarify that it was Atlantic salmon smolt, rather than juvenile Atlantic salmon, that were the species of concern. The final permit condition is based on the assumption that there is currently entrainment of Atlantic salmon smolt through the company's intake structures. This is a factual error because there is no evidence of any entrainment of Atlantic salmon smolt or any other salmonid species in the intake structures. Wausau has asked EPA to further evaluate the likelihood of entrainment before requiring any physical

changes to the intake structures and more particularly, specifying a particular type of intake structure modification.

ARGUMENT

I. EPA FAILED TO CONSIDER IMPORTANT AND RELEVANT TEMPERATURE DATA PRIOR TO ESTABLISHING TEMPERATURE LIMITS FOR OUTFALL 017.

In its Response to Comments, EPA noted that the temperature limits for Outfall 017 were based on data from 1989 through 1996, and November 2002 through October 2004. EPA noted, appropriately, that the final permit should reflect the existing process operations at the mill. *See* Response to Comments, page 3. However, EPA failed to include in its analysis, temperature data, which it had in its possession for April 2002. April 2002 data showed that the proposed permit limits would be violated both for monthly average and daily maximum values. Had EPA considered the April 2002 data, the final permit limits would have been revised upward to reflect these values, which exceeded the proposed permit limits.

The existing permit temperature limits, which were considerably higher than those proposed in the final permit, were approved by the state of New Hampshire as meeting state water quality standards. As a result, the proposed reduction in

temperature limits was calculated solely to reflect operational changes including removal of a large boiler scrubber waste stream, which significantly reduced temperature impacts. *See* Fact Sheet, page 7. Therefore, had EPA not failed to consider data that it had available to it in April of 2002, the permit limits would have been revised upward from the final monthly average and daily maximum temperature limits. This data was generated and was received by EPA after Wausau's comments on May 1, 2001.

II. EPA'S PROPOSED TURBIDITY SAMPLING AND MONITORING REQUIREMENTS ARE A NEW CONDITION, NOT CONTAINED IN THE DRAFT PERMIT.

These new permit conditions cannot practicably be implemented by the permittee, are largely unnecessary to protect applicable designated uses.

In Wausau's final permit, EPA added a new turbidity-sampling requirement, which was not contained in the draft permit. The turbidity-sampling requirement requires Wausau to obtain monthly grab samples throughout the year of turbidity upstream of the effluent discharge and downstream of the effluent discharge. The downstream sample site needs to be selected to represent the turbidity of the Connecticut River after mixing with the effluent. Based on data obtained, EPA believes it will be able to determine "if the concentration of turbidity in each discharge has the reasonable potential to cause or contribute to an instream excursion above the state's narrative water quality criterion." *See* Response to

Comments, pages 8 and 9. EPA acknowledges that it does not currently have sufficient evidence to make a determination as to whether the turbidity in Wausau effluent from Outfalls 017 and 018 cause or contribute to a violation of the state narrative water quality standard for turbidity. *See* Response to Comments, pages 8 and 9. Because EPA has not determined and has no basis to determine reasonable potential for a violation, this permit requirement and condition is legally invalid. *See In re Broward County, Florida*, 4 E.A.D. 705, 713 (EAB 1993).

Aside from the clear legal error associated with imposing this permit condition, the condition is unnecessary. The state turbidity standard is an aesthetic standard developed to protect and enhance recreation in and on the water. For several months of the year, both the receiving water for Outfalls 018 and 017 are iced over and therefore the turbidity standard is irrelevant. Further, it is logistically difficult and dangerous to obtain instream turbidity standards on the Connecticut River during high flow periods after ice-out and other adverse weather and flow conditions, since the area that would need to be sampled above and below the facility are not accessible and require access by boat 40 feet out into the Connecticut River.

Even if samples could be safely obtained at the desired locations, it is not certain whether representative samples would be meaningful, particularly downstream samples. It is unclear where the effluent is adequately mixed in the receiving

water and the mixing area will change daily depending on mill operating conditions, river flows, and other climatic conditions. Wausau believes that this specific permit condition is entirely unnecessary and will not yield data sufficient to make a determination of reasonable potential to exceed state water quality standards.

III. THE FLOW LIMITATION FOR OUTFALL 018 IS BASED ON OUTDATED FLOW INFORMATION NO LONGER RELEVANT TO THE FACILITY'S OPERATING CONDITIONS.

In its Response to Comments, EPA noted that average flow from Outfall 018 was determined using data collected prior to June 9, 2000. *See* Response to Comments, page 6. Based on data available at that time, and subsequent information provided by Wausau, a flow limit of .8 mgd was developed. Since June of 2000, the company's operations have changed significantly, particularly with regard to the type of paper grades that it makes. *See* attached exhibit flow data. As a result of increased production of higher brightness papers, flow from Outfall 018 has increased dramatically. EPA anticipated that a change might be required in the flow limit if new flow data suggested an increase was warranted. *See* Response to Comments, page 6. Wausau therefore requests, based on new flow information subsequent to June 2000, that the flow limitation be increased to 1.5 mgd for Outfall 018.

IV. EPA FAILED TO PROVIDE WAUSAU ADEQUATE OPPORTUNITY TO COMMENT ON TOTAL RESIDUAL CHLORINE LIMITS THAT ARE SIGNIFICANTLY DIFFERENT AND MORE STRINGENT THAN THOSE PROPOSED IN THE DRAFT PERMIT.

EPA changed the proposed TRC limits from 0.53 monthly average and 0.91 daily maximum to 0.39 monthly average and 0.68 daily maximum without providing Wausau an opportunity to comment on this significant change. At the same time, EPA increased the monitoring frequency of TRC at Outfall 018 from the current once a month sample to a twice a week sample. Wausau has not had the opportunity to review the basis for this substantial and significant change and is unclear whether it can achieve the new total residual chlorine limits established in the final permit. If Wausau had had prior knowledge that the permit limits were going to be changed this substantially, it would have requested a compliance schedule to provide time to meet the new limits. In its May 1, 2001 comments, Wausau objected to the less stringent TRC limits and suggested an alternative means of measuring total residual chlorine. EPA ignored that request and established even more stringent limits than those contained in the proposed permit. Wausau will be submitting comments to EPA once it has an opportunity to review the basis upon which EPA developed the new, more stringent permit limitations for total residual chlorine.

V. EPA FAILED TO PROVIDE ANY EVIDENCE THAT INTAKE STRUCTURES CREATE AN ADVERSE ENVIRONMENTAL IMPACT.

EPA fails to demonstrate -- anywhere in the final permit or Response to Comments -- that Atlantic salmon smolts are actually entrained in the Wausau facility cooling water intake structures. Section 316(b) of the Clean Water Act allows EPA to use its best professional judgment to determine what technology will best minimize adverse environmental impacts caused by intake structures. In its Response to Comments, EPA states that it believes Atlantic salmon smolt entrainment to be an adverse environmental impact. What EPA fails to do, however, is state any evidence demonstrating that Atlantic salmon smolt are in fact entrained in the Wausau facility's cooling water intake structures. Without such a demonstration, EPA cannot impose intake structure design and installation requirements.

There is no evidence that Atlantic salmon smolts swim near or inhabit areas surrounding Wausau's intake structures. In fact, Wausau has not observed the presence of salmonid species in the intake structures or sand filter beds. These structures and filter beds are easily inspected visually. Wausau routinely performs visual inspections of these facilities.

EPA cannot regulate Wausau's intake structure designs under Section 316(b) without demonstrable evidence of adverse environmental impacts to Atlantic salmon smolt.

CONCLUSION

There are five separate and contestable permit limitations and conditions at issue in this petition for review. The temperature limits for Outfall 017 are based on incomplete data. EPA did not use data from April 2002 in developing these temperature limits and, as a result, the temperature limits are more stringent than would have been required had EPA used the April 2002 data.

The turbidity monitoring requirements for Outfalls 017 and 018 are entirely new permit conditions from the draft permit and as a result, Wausau has not had an opportunity to previously comment on these conditions. EPA concedes in its Response to Comments that it has no evidence to determine whether there is a reasonable potential for the state turbidity standards to be violated by Wausau's effluent, and therefore the permit requirements are legally deficient. In addition, the monitoring requirements are unnecessary due to ice conditions, will not yield representative and reproducible data for determining reasonable potential and are logistically difficult to comply with.

The flow limits for Outfall 018 are based on operating conditions at the Wausau facility, which have changed dramatically since Wausau was able to comment on this proposed permit condition in May 2001.

Wausau became aware of the new, more stringent TRC and EPA's basis for significantly changing these limits at Outfall 018 on September 20, 2005. Wausau has not yet had an opportunity to formulate a response to the new information in EPA's Response to Comments and requests additional time to prepare such a response. Alternatively, this permit condition should be remanded to EPA so that additional TRC data can be obtained and/or the TRC limit can be phased in on a schedule, which will allow Wausau an opportunity to comply with the new, more stringent limit.

The permit condition that requires Wausau to design plans for, and to install, fish screens and fish return systems at its intake structures is a substantially new requirement. The draft permit required some modification to the existing bar racks at the intake structures, rather than new screens and fish return systems. EPA's basis for imposing this condition is based on a factual error. Atlantic salmon smolt have not been entrained in Wausau's intake systems.

Wausau respectfully requests that its petition for review be granted and that the Environmental Appeals Board issue an order remanding the flow, temperature and total residual chlorine conditions back to EPA Region 1 for an adjustment or modification. Wausau also requests that permit conditions relating to turbidity monitoring and sampling

and design and installation of fish screens and fish return systems at intake structures be deleted in their entirety from the permit.

All permit conditions included in NPDES Permit No. NH0001562, which are listed individually above in Issues Presented for Review are contested and severable. Wausau requests that the aforementioned permit conditions be stayed in accordance with 40 C.F.R. §§ 124.16 and 124.60.

William Taylor

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Attorneys for Appellant

Date: October 21, 2005

wausauPAPER

Exhibit A

October 21, 2005

Mr. William Wandle
United States Environmental Protection Agency
Region I
1 Congress St., Suite 1100
Boston, Massachusetts 02114-2023

Re: NPDES Permit No. NH0001562

Dear Mr. Wandle:

Wausau Papers of New Hampshire, Inc. (Wausau) has reviewed the final National Pollutant Discharge Elimination System (NPDES) Permit No. NH0001562, issued on September 20, 2005, for the Wausau facility in Groveton, New Hampshire (Facility). We understand the facts surrounding the issuance of this permit to be somewhat unique. In particular, more than four years and four months (fifty-two total months) elapsed from the time Wausau submitted its comments on the original draft permit to the time the Environmental Protection Agency (EPA) mailed Wausau the final NPDES Permit and the Response To Comments. Over the course of those four-plus years, a number of circumstances have changed at the Facility. Notably, we now produce more high-grade paper, a change that affects this NPDES Permit and renders less accurate some of the out-of-date facts on which EPA relied in issuing the permit. Given the weight of these changes -- and the fact that such a delayed issuance is somewhat extraordinary --Wausau felt it appropriate to submit the following comments on the final permit and the agency's Response To Comments attached to the September 20th permit.

Part I.A.1. and Response To Comment No. 4

The draft permit temperature limits were based on data from November 1997 to October 2000. The final permit temperature limits appear to have been based on data from November 2002 to October 2004. Using these data, EPA determined that the Facility experienced maximum monthly averages of 71 and 87 degrees in winter and summer, respectively. EPA thus concluded that permit limits of 72 and 90 degrees for winter and summer, respectively, were appropriate. EPA also set daily maximum permit limits of 78 degrees in the winter and 97 degrees in the summer. In setting these monthly average maximums and daily maximums, EPA included a buffer to promote continued water conservation efforts by Wausau and to limit potential noncompliance based on past performance.

Because of the delay in issuing the final permit, we believe that EPA should consider a more complete set of data to determine the monthly and daily temperature permit limits. Wausau has attached as Exhibit A the reported Outfall 017 temperature data from the past five years. A review of these data demonstrates that the Facility has exceeded both the monthly average maximum and the daily maximum; in April 2002, the Facility experienced a monthly average temperature of 73 degrees and a daily maximum of 82 degrees. We also note that the data in Exhibit A demonstrate that the Facility exceeded the "high" monthly average EPA references in the Response To Comments. In both July and August of 2002, the Facility experienced average monthly maximums over 87 degrees.

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With the complete set of data in mind, Wausau believes that the permit limits should be revised to recognize that average monthly maximums of 72 and 90 degrees for winter and summer, respectively, do not reflect limits consistently achievable for the Facility. Permit limits that originally provided for a few degrees buffer relative to actual temperature data now, in some cases, would result in exceedances based on the complete temperature data. We believe that the new permit limits create disincentives to water conservation, as further decreases in water use will result in higher discharge temperatures. Wausau and Groveton Paper Board have worked hard to close up our water systems and reduce the amount of fresh water used in our processes. One result of this closure is a slight increase in the temperatures of our process waters and resulting effluent. Accordingly, we request that the temperature limits be reexamined based on more complete discharge data.

Part I.A.1. and Response To Comment No. 9

These are new requirements that were not originally listed in the draft permit. Though turbidity measurement of the effluent itself is acceptable, establishment of an acceptable location for downstream measurements is a difficult task because of variable river conditions and uncertainty of the representativeness of an instream sample. Also, the requirement to sample the river upstream and downstream of the discharge point can be hazardous during high water, icy conditions, and other extreme weather conditions. The Outfall 017 discharge is approximately 40 feet out into the Connecticut River, and is not adjacent to Wausau property. In addition, steep embankments on the New Hampshire side of the Connecticut River make accessibility impracticable. While the sampling location for Outfall 018 is not quite so treacherous, it still represents a hazard to our people during certain times of the year. Further, the receiving waters of Outfalls 017 and 018 are typically iced over for significant portions of the winter months thereby obviating the need for monitoring an aesthetic-based criterion. We request that the upstream and downstream sampling requirements be deleted from the permit.

Part I.A.3. and Response To Comment No. 7

At the time the last permit comments were made in 2001, flow from Outfall 018 averaged 0.6 MGD. Since that time, we have seen a significant shift in our grade mix toward high brightness grades (see attached Exhibit B). This shift is expected to continue. In order to produce papers of this quality, very clean process water is required. To achieve this high level of water quality, we have found it necessary to increase the frequency of backwashes of our sand filters, thus increasing the flow from Outfall 018. As an example, for 2005 YTD, our average monthly flow has been 0.73 MGD with a standard deviation of 0.32 MGD. Over the past two to three years, we have seen maximum monthly averages at the 1.2-1.3 MGD level in order to maintain the necessary process water quality. For your reference we have attached as Exhibit C our flow data from Outfall 018 from the past five years. We are requesting that the maximum allowable flow at Outfall 018 be increased to 1.5 MGD.

Part I.C and Responses To Comments No. 11, 12, 13

The final permit requires Wausau to design intake screens and a fish return system for the two water intakes on the Upper Ammonoosuc River. Requirement C.1.b requires implementation of the approved plans to "install the specified intake screens and fish return systems." Wausau believes that these requirements are unnecessary to achieve the stated goals to "prevent/minimize both the entrainment of Atlantic salmon smolts and their mortality from impingement." There is no evidence that Atlantic salmon smolts swim near or inhabit areas anywhere near our intake structures. In fact, routine observation of our intake structures and sand filter beds reveal that salmon smolts are not present. Therefore, there is no basis or need

for the design or installation of the prescribed systems. Prior to requiring a study of screening and fish return systems, the agencies should investigate and consider basic factors such as:

- The presence of smolts in the intake or in its vicinity
- The seasonal movement of smolts
- The likelihood of smolts swimming in the middle of the impoundment rather than along the shoreline
- The low intake velocities
- The winter operation and winterization issues
- The effectiveness of screens and fish return with regard to smolts viability
- The potential impact of intake modifications on firewater availability, and
- The costs of the technology.

EPA states in Response To Comment 11 that the Facility's intake structure entrains Atlantic salmon smolts. We do not believe that EPA has demonstrated this fact and is presuming something that is not true. As stated above, routine observation of our sand filter beds has never revealed the presence of any salmonid species. EPA cannot undertake a fair and accurate "best professional judgment" analysis without some evidence on which to rely. We do not believe EPA has such evidence. Accordingly, because this condition is based, at least in part, on the faulty assumption of present entrainment, the condition should be modified.

We therefore propose that the permit language in Section C be deleted.

Sincerely,

David M Atkinson

David Atkinson
Vice President - Operations
Printing and Writing

Attachments: Exhibit A, B, C

pc: Ann Williams, EPA Region I
Brian Pitt, EPA Region I
Tom Craven
Cara Kurtenbach
Denise Carsley
Dennis Bacon
Tom Pitts (Groveton Paper Board)

Exhibit A

Wausau Paper
017 Outfall Temperature

Date	AVG TEMP MTHLY	MAX TEMP DLY
1.00	56	61
2.00	61	68
3.00	66	71
4.00	67	70
5.00	75	79
6.00	79	86
7.00	84	86
8.00	84	87
9.00	79	86
10.00	70	74
11.00	64	70
12.00	57	62
1.01	59	62
2.01	59	61
3.01	60	64
4.01	63	70
5.01	75	78
6.01	84	91
7.01	85	91
8.01	87	93
9.01	83	88
10.01	76	80
11.01	71	77
12.01	66	72
1.02	64	66
2.02	63	67
3.02	62	65
4.02	73	82
5.02	77	83
6.02	81	87
7.02	88	94
8.02	89	94
9.02	83	89
10.02	72	83
11.02	66	73
12.02	60	66
1.03	59	63
2.03	57	63
3.03	63	68
4.03	68	74
5.03	76	80
6.03	82	92
7.03	88	90
8.03	87	91
9.03	79	85
10.03	68	76
11.03	65	69
12.03	59	66
1.04	57	65
2.04	59	65
3.04	65	73
4.04	71	75
5.04	78	84
6.04	80	85
7.04	84	87
8.04	84	89
9.04	79	86
10.04	68	76
11.04	63	68
12.04	54	61
1.05	52	60
2.05	56	63
3.05	60	66
4.05	67	73
5.05	70	74
6.05	82	88
7.05	86	90
8.05	83	88
9.05	75	84

Exhibit B

Wausau Papers of New Hampshire
Paper Production Summary

Year	Bright White Tons	All other tons	Total tons	% Bright White tons
2000	11,890	109,455	121,345	9.8%
2004	39,596	80,605	120,201	32.9%
2005 (YTD-10/18/05)	33,236	61,974	95,210	34.9%

Wausau Paper
018 Outfall
Sand Filter Back Wash Flow

Date	FLOW Average Gal/Day
1.00	290,839
2.00	348,276
3.00	583,235
4.00	522,143
5.00	304,516
6.00	283,824
7.00	436,400
8.00	398,710
9.00	502,000
10.00	475,161
11.00	361,667
12.00	271,613
1.01	171,935
2.01	188,214
3.01	167,742
4.01	654,333
5.01	543,871
6.01	438,333
7.01	285,484
8.01	176,548
9.01	227,900
10.01	550,968
11.01	417,000
12.01	259,032
1.02	211,613
2.02	236,786
3.02	560,967
4.02	910,667
5.02	697,419
6.02	1,183,667
7.02	824,194
8.02	226,839
9.02	405,600
10.02	810,645
11.02	787,667
12.02	1,356,452
1.03	264,839
2.03	168,671
3.03	773,548
4.03	1,222,333
5.03	1,668,129
6.03	843,333
7.03	314,194
8.03	1,298,484
9.03	688,567
10.03	1,029,677
11.03	1,232,333
12.03	974,839
1.04	176,774
2.04	84,204
3.04	762,194
4.04	1,128,667
5.04	510,000
6.04	393,000
7.04	769,355
8.04	767,742
9.04	911,000
10.04	957,097
11.04	920,000
12.04	467,742
1.05	706,452
2.05	182,143
3.05	367,742
4.05	1,116,667
5.05	706,452
6.05	1,053,333
7.05	622,581
8.05	751,613
9.05	1,096,667

Exhibit B

Wausau Papers of New Hampshire
Paper Production Summary

Year	Bright White Tons	All other tons	Total tons	% Bright White tons
2000	11,890	109,455	121,345	9.8%
2004	39,596	80,605	120,201	32.9%
2005 (YTD-10/18/05)	33,236	61,974	95,210	34.9%