



## UNITED FOR A HEALTHY GULF

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September 1, 2011

Secretary Peggy Hatch  
Louisiana Department of Environmental Quality  
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Baton Rouge, LA 70821-4301  
Email: [DEQ-WWWOfficeoftheSecretaryContact@la.gov](mailto:DEQ-WWWOfficeoftheSecretaryContact@la.gov)

**RE: Reopening of the Temple-Inland paper mill and associated Compliance Orders #WE-CN-11-01062 & WE-CN-11-01062A**

Secretary Hatch,

The Gulf Restoration Network (GRN) objects to LDEQ's decision to allow the Temple-Inland paper mill to resume wastewater discharges under the Bogalusa Mill Production Start-up plan.<sup>1</sup> The August 9, 2011 Temple-Inland pollution event and related fish kill in the Pearl River was and continues to be an environmental travesty for the states of Louisiana, Mississippi, and for the Gulf of Mexico. According to the Louisiana Department of Wildlife and Fisheries and LDEQ, Temple Inland's "preventable" discharge of "black liquor" violated its permit and killed hundreds of thousands of fish and tens of thousands of mussels.<sup>2</sup> This fish kill included at least 24 threatened Gulf Sturgeon, as well as unknown impacts to other endangered species, such as the Ringed Map Turtle and the Inflated Heelsplitter mussel.

While the Pearl River begins to recover, while the damage is still being tallied, and before any public explanation for the specific cause of Temple-Inlands' "black liquor" discharges and other unlawful acts, LDEQ has published the Bogalusa Mill Production Start-up plan. In light of **A)** the massive damage caused by the Temple-Inland discharge of "black liquor" and associated contaminants into the Pearl River, **B)** LDEQ's recognition that the pollution event was "preventable" and that Temple-Inland failed to report the black liquor discharge in a timely manner, and **C)** LDEQ's and the Senate Environmental Quality Committee's assurances of a

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<sup>1</sup> The Gulf Restoration Network is a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the resources of the Gulf of Mexico.

<sup>2</sup> From LA Senate Environmental Quality Committee hearing in Bogalusa, LA, August 22, 2011; Amended Consolidated Compliance Order & Notice of Potential Penalty, LDEQ, Enforcement Tracking No. WE-CN-11-01062, Agency Interest No. 38936

reformed approach to permitting paper mills in Louisiana and their assertions that they would not allow such a pollution event or fish kill to occur again, we object to LDEQ's decision to allow Temple-Inland to resume production. Specific comments accompanying this objection include the following:

**1. The startup plan does not meet the requirements of the Compliance Order.**

LDEQ cannot justify allowing this plant to operate when the fundamental cause of the illegal discharge has not been determined. The Compliance Order requires "a plan which shall include long term operation, maintenance and process changes to ensure repeat or similar incidents do not occur at this facility. This plan must be approved by the department prior to start-up if mill production operations." However, LDEQ cannot ensure that the start-up plan meets these requirements, as the underlying cause of the original illegal discharge has not officially been determined, or released to the public. While the start-up plan does include enhanced monitoring, a monitoring plan can only, at the best, identify a pollution problem after it has already occurred.

**2. The Start-up plan's additional monitoring is not adequate to ensure illegal discharges will not happen again.**

While we appreciate the increased monitoring required by the Compliance Orders, additional monitoring will not change the fact that too much pollution is permitted to flow into the Pearl River from this plant. Fundamental changes need to occur at the plant, not through increased monitoring, but also through the technology. This plant currently discharges approximately 19 million gallons per day (MGD) into the Pearl River. This volume is not acceptable and just invites another catastrophe.

Currently the treatment ponds are less than 50 meters from the nearest oxbow lake of the Pearl River. The quality, location, and volume of treated effluent must be drastically improved before Temple-Inland is allowed to operate even close to full capacity.

**3. Monitoring requirements need more detail and should be required for a longer period of time.**

- a. The duration of increased monitoring is not adequate. Under the current Bogalusa Mill Production Start-up Plan, the frequency of the increased monitoring will quickly be reduced and, in just 84 days (less than three months), monitoring will return to pre-August 9, 2011 levels. This monitoring schedule is simply unacceptable. River sampling in addition to outfall sampling should continue indefinitely or at least until a new, more stringent permit is issued to replace the current, expired permit under which Temple Inland has been operating (see comment 4).

- b. LDEQ must improve its monitoring requirements by adding important details which will have a major impact on the results of such monitoring. For example, LDEQ should:
  - i. define where in the water column samples will be taken.
  - ii. define what time of day dissolved oxygen measurements will be taken. Dissolved oxygen is very dependent on time of day.

**4. The start-up plan was not made available to the public for comment before start-up was authorized.**

At the public hearing in Bogalusa, several members of the public, including GRN, requested that any plans for start-up and improvement of the plant be made publicly available for comment before any decisions were made. This was not done. Instead, LDEQ published what appears to be a final Bogalusa Mill Production Start-up Plan (now on the LDEQ website) without providing for public notice, comment, or other input.

**5. Temple-Inland should not be allowed to discharge with limits from an expired permit.**

Given that, prior to Temple-Inland's unauthorized discharge, they were operating under an administratively extended *expired* permit, LDEQ should not allow this discharge to resume until it issues a new permit with much more stringent limits. The fact that Temple-Inland's permit has expired gives LDEQ the opportunity to require vast improvements of this plant. The expectation of these improvements was clear at the Senate Environmental Quality Committee hearing in Bogalusa.

When GRN attended the Louisiana Senate Environmental Quality Committee hearing in Bogalusa on August 22, 2011, LDEQ and the Senate Committee assured the public that all would be done to ensure that no illegal discharge and resulting fish kill would ever happen again, not from Temple Inland or any paper mill in Louisiana. In fact, you, Secretary Hatch, stated that LDEQ would work on this "as long as it takes," and implement much more stringent requirements. LDEQ's rush to re-open this poorly operated paper mill is unacceptable. Allowing it to start up again less than a month after its discharge, without any substantive change in its permit or operations, and without any assurance that the same kind of pollution event and failure to report will not occur, flies in the face of these assurances.

Accordingly, GRN requests that LDEQ withdraw the Bogalusa Mill Production Start-up Plan and continue to prohibit any discharge from the Temple-Inland plant until all of the above issues are dealt with and LDEQ issues - under the public process - a new permit to Temple-Inland reflecting state-of-the-art technology and water quality-based limits. At the very least, Temple-Inland should not be allowed to discharge anywhere near full production under the Compliance Order or expired permit.

*We request a written response to these comments.*

For a healthy Gulf,

Matt Rota  
Science and Water Policy Director

CC: Senate Environmental Quality Committee  
EPA, Region 4  
EPA, Region 6  
Mississippi Department of Environmental Quality  
Louisiana Department of Wildlife and Fisheries  
U.S. Department of Fish and Wildlife  
Lake Pontchartrain Basin Foundation  
Louisiana Environmental Action Network  
Lower Mississippi Riverkeeper  
Sierra Club  
Sierra Club, Delta Chapter  
Louisiana Audubon Council  
Tulane Environmental Law Clinic