

Wednesday, 09 May 2012 20:46

Evergreen, environmental groups settle river temperature issue

Written by Becky Johnson

Evergreen Packaging has reached a partial settlement with environmental groups over pollution from the Canton paper mill in the Pigeon River.

Environmental groups had challenged the mill's pollution permit, claiming that the standards weren't tight enough. There were two bones of contention: how warm the river gets and the dark color the river takes on due to the mill's discharges.

The portion of the suit dealing with temperature fluctuations to the river has been settled. Initially, the mill was permitted to raise the temperature of the river by 15 degrees Fahrenheit with its discharges, as measured at a monitoring point about half a mile downstream.

The limit was based on a monthly average, however, so spikes much higher were acceptable as long as it evened out over the course of a month to stay within the acceptable 15 degrees.

Now, the mill has agreed to an additional temperature criteria based on a weekly average. The river cannot exceed a maximum temperature of 89 degrees in summer or 84 degrees in the winter based on a weekly average, under the terms of the new settlement.

That is largely within the temperature confines the mill adheres to already.

"This agreement largely validates what was already a good permit ... the result of a good process," Blue Ridge Plant Manager Dane Griswold said in a statement. "Having this issue settled means we can continue to provide jobs for hundreds of Western North Carolina families, continue to meet the needs of our customers and ensure the quality of the Pigeon River continues to improve."

Hope Taylor, the director of Clean Water for North Carolina, said the temperature standard is still too lax in her book.

"We would have liked to go far enough to have a true mountain cold water stream downstream of the mill," Taylor said.

But moving the mill toward a weekly average instead of a monthly average is still progress, said Taylor, who has been wrangling with the Canton paper mill over water quality issues for more than a decade.

Taylor said in some instances water in excess of 100 degrees Fahrenheit has been discharged into the river by the mill. For monitoring purposes, however, the river's temperature is taken about half a mile downstream of the discharge point, after the hotter water has mixed with the rest of the river.

The lawsuit was filed by Southern Environmental Law Center on behalf of several groups: the Western North Carolina Alliance, Clean Water for North Carolina, the Tennessee Chapter of the Sierra Club, Tennessee Scenic Rivers Association, Cocke County, Tenn., and Clean Water Expected for East Tennessee.

The paper mill sucks roughly 29 million gallons a day out of the river and uses it in a myriad of aspects of the paper making process — from cooling coal-fired boilers to flushing chemicals through wood pulp — and then dumps it back in the river again.

The settlement was reached “without any admission of liability” on Evergreen’s part, the agreement makes a point of noting.

Too dark? You decide

Another area environmental groups contested in the suit is how dark the river’s color should be. Discharges from the mill darken the color of the river. The state considers this purely an aesthetic issue, governed by a subjective standard. Whether the river is too dark is in the eye of the beholder.

The state has wagered that the color of the river is acceptable, and the mill no longer needs regulation on this front. Environmental groups argued the river is still too dark, however.

To resolve the issue, the mill will soon undertake a public perception study. A random panel will be asked to size up the color of the river upstream and downstream of the mill.

The environmental groups have agreed to table their concerns over color pending the outcome of the study. In the meantime, Taylor said her organization is riding herd on the protocols for how the study will be carried out to ensure it is done fairly.

“Blue Ridge Paper is paying for the consultants who are coming in to do this study, so you have to assume they would bias the study,” Taylor said. “There is a way to really manipulate the way the study goes.”

For example, the mill initially proposed taking the panel to view downstream portions of the river first where the water is darker due to the discharges, then to the upstream portions where the water is clear. But the color contrast of the river downstream would likely be more striking if viewed the other way around — seeing the clear stretch first then the darker stretch, Taylor said. So she proposed a different methodology: splitting the panel into two groups in terms of viewing order.

“We said, ‘No, you have to have to have half of them go one way and half go the other way,’” Taylor said.

Taylor also wants to ensure the panel doesn’t have anyone on it who works at the mill, or whose family members work at the mill. She is also scrutinizing the way the questions will be phrased and the spectrum of multiple-choice answers.

Mike Cohen, a spokesperson for the Canton mill, said the issue of color is primarily aesthetic, thus the subjective standard is appropriate.

But Taylor believes there are underlying ecological concerns from the color of the river.

“We see that color as evidence of the chemical soup coming into the river,” Taylor said. Some of those compounds could be toxic, said Taylor, even though the state doesn’t currently classify them as toxic.

Even on the basis of aesthetics, the color is still a black mark against the mill, according to the lawsuit.

“We believe the dark color makes the river less desirable for fishing, rafting and wading than other, less polluted rivers nearby,” said Daniel Boone of Tennessee Scenic Rivers Association in a press statement.

Taylor said the mill should not deprive the public from being able to use and enjoy the river as a resource.

Whether the public is indeed bothered by the river's color — based on the opinions of the random panel that is selected — will be borne out by the study in coming months, with the results finalized in early 2013.

The parties in the suit will then revisit the issue of color. The mill hopes the study will resolve the concerns and the rest of the suit can be dismissed, according to a statement by the mill.

Permit, take III

The environmental standards in the mill's water pollution permit have already been tightened once compared to what the state initially suggested. The state was sent back to the drawing board once by the Environmental Protection Agency, which intervened in the pollution permit two years ago.

The state had initially recommended looser temperature criteria. The state also deemed the mill had already done enough to improve the color in the river, and that the color discharges were now acceptable and no longer needed regulating through a permit.

But the EPA called for tighter limits, telling the state to tighten up temperature fluctuations. Under the state's original permit, the mill would have been allowed to raise the river's temperature by as much as 25 degrees Fahrenheit downstream of the mill based on a monthly average, but the EPA reined it in to only 15 degrees warmer.

The EPA also wasn't convinced color was no longer an issue. The study to determine whether color was within acceptable levels was a result of the EPA stepping in, Taylor said. The EPA also wanted tougher monitoring requirements on dioxins and fish tissue testing.

The permit was approved by the state two years ago in May 2010. Technically, the permits are up for review every five years.

"It is pretty much a continual process," said Cohen, the mill spokesperson.

In reality, it is often longer between permits. Before the new one was adopted in 2010, the last one before that dated to 2001. The mill operated under an extension of that 2001 permit for four years while a new one was being worked out.

The river downstream from the mill is far cleaner today than anytime in the mill's 100-year history. The Pigeon River was once so polluted few fish species could survive and it was unsafe for people to swim in.

During the 1990s, the mill embarked on a \$300 million environmental overhaul, spurred partly by expensive class action lawsuits.

The biggest environmental victory of the 1990s was getting the mill to drastically reduced dioxin, the most toxic chemical discharged into the river. The final health advisory against eating fish caught downstream of the mill was lifted in 2005. Fish once wiped out by the mill's pollution are being reintroduced in a joint effort between the mill and state wildlife and environmental agencies.

But environmentalists and downstream communities want the mill to make further improvements. But instead, it seems progress has plateaued.