



Georgia-Pacific LLC  
Consumer Products

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February 3, 2009

Mr. Richard Greene  
United States Environmental Protection Agency  
Region 6 Regional Administrator  
1445 Ross Avenue  
Suite 1200  
Dallas, Texas 75202

**Re: Comments on report entitled "Use Attainability Analysis and Water Quality Assessment of Coffee Creek, Mossy Lake and the Ouachita River"  
AR NPDES Permit No. AR0001210**

Dear Mr. Greene:

I am writing in response to Mr. Miguel Flores' August 28, 2008 letter to me regarding the "Use Attainability Analysis and Water Quality Assessment of Coffee Creek, Mossy Lake and the Ouachita River" (the "2007 UAA"). The purpose of this letter is to clarify misconceptions about Georgia-Pacific's opportunity to comment on a draft version of the 2007 UAA and to reiterate its most significant comments and concerns regarding the report.

First and foremost, Georgia-Pacific did not have an opportunity to comment on a draft version of the 2007 UAA. In fact, Georgia-Pacific did not have knowledge that a draft version of the report was issued until receipt of Mr. Flores' August 28, 2008 letter, which referenced the draft. According to that letter, EPA provided a copy of the draft 2007 UAA to the Crossett Paper Operations Mill and the Arkansas Department of Environmental Quality in June 2007. However, neither Georgia-Pacific nor its Crossett Mill received the draft. Upon further investigation with EPA staff, it appears that, in June 2007, EPA attempted to email a final draft report to an individual who was no longer employed by Georgia-Pacific instead of mailing a draft to our designated contact, Mr. James Cutbirth. The draft report was not received, and Georgia-Pacific had no notice or knowledge of its issuance. We are not aware of any follow up by EPA, despite the fact that Georgia-Pacific is a primary stakeholder and had indicated to EPA its interest in the development of the UAA and the need for collaboration on several occasions. As a result, Georgia-Pacific was not provided any opportunity to comment on the draft 2007 UAA, which is directly related to the Crossett Mill, despite ongoing requests to be involved in the process.

Additionally, we understand that the Arkansas Department of Environmental Quality has no record of receiving the draft 2007 UAA, and therefore, had no opportunity to comment. This confusion and EPA's failure to provide the draft report to significant stakeholders before issuing a final report undermines the 2007 UAA and emphasizes the importance of a formal public participation process. As the regulatory agency with authority to develop use classifications and water quality standards in the state of Arkansas, ADEQ has established specific requirements and procedures for the UAA process. EPA's 2007 UAA did not adhere to these requirements, either substantively or procedurally.

In its August 28 letter, EPA notes that it is the State's responsibility to assure that the highest attainable uses are designated in its waters. This is precisely what the State of Arkansas has done with respect to Coffee Creek and Mossy Lake, although EPA has not recognized ADEQ's authority or actions in this regard. The State of Arkansas has designated a use variation of "no fishable/swimmable or domestic water supply uses" for Coffee Creek and Mossy Lake. This use variation is supported by a UAA and applies not only to the water bodies downstream of Georgia-Pacific's discharge, but also to Coffee Creek upstream of Georgia-Pacific. The use variation is supported by a number of factors in accordance with 40 CFR §131.10 and Reg. 2.303. Furthermore, Georgia-Pacific, the State of Arkansas, and the State of Louisiana have each completed a UAA for the Ouachita River and have determined that it is meeting its designated use. Therefore, the designated use for Coffee Creek and Mossy Lake does not interfere with downstream designated uses in the Ouachita River.

The existing use designation, and the supporting data on which it is based, were not properly considered in preparation of the 2007 UAA. Furthermore, the use variation was recently updated as part of the triennial review of Regulation 2, effective November 25, 2007. While EPA provided extensive comments on several provisions of Regulation 2, it did not comment on the use variation for Coffee Creek and Mossy Lake, even though the Regulation was issued at the time the UAA was in draft form. Any concerns associated with the existing use variation for Coffee Creek and Mossy Lake could have been properly raised as part of EPA's other comments to Regulation 2.

In the August 28 letter, EPA indicates that it wants to continue pursuing a collaborative approach to protect and improve water quality in the Ouachita basin. Georgia-Pacific agrees that collaboration between EPA, ADEQ and itself is crucial. However, from our perspective, this collaborative process has failed with respect to the 2007 UAA. It has been impossible for Georgia-Pacific to participate while being effectively excluded from the process. To resolve and clarify any miscommunication regarding the 2007 UAA, Georgia-Pacific once again requests EPA to withdraw the report in order to consider our extensive comments. To that end, I have attached Georgia-Pacific's previously submitted comments, to which EPA has not responded.

Page 3  
February 3, 2009

We welcome the opportunity to meet with EPA and ADEQ to discuss the 2007 UAA and how we might work together to address our respective concerns. We would be happy host such a meeting and a tour at the Crossett Mill at your convenience.

Sincerely,



Karen R. Dickinson  
Vice-President,  
Crossett Paper Operations, LLC

cc: Congressman Mike Ross  
Congressman Rodney Alexander  
Senator Mary Landrieu  
Senator David Vitter  
Senator Blanche Lincoln  
Senator Mark Pryor  
Teresa Marks, Director, ADEQ  
Steve Drown, Chief Water Division, ADEQ  
Mo Shafii, Assistant Chief Water, ADEQ  
Sam Ledbetter, McMath Woods P.A.



November 21, 2008

081694

Jim Cutbirth  
Georgia-Pacific LLC - Crossett Paper Operations  
100 Mill Supply Road  
Crossett, Arkansas 71635

**RE: Responses to USEPA Letter dated August 28, 2008**

Dear Mr. Cutbirth:

**AquAeTer** was asked to review the letter from Mr. Miguel Flores, United States Environmental Protection Agency (USEPA), to Ms. Karen R. Dickinson of Georgia-Pacific dated August 28, 2008 and provide assistance concerning the Use Attainability Analysis (UAA). Mr. Flores' letter was in response to Ms. Dickinson's letter to Mr. Richard Greene, USEPA dated May 22, 2008. Mr. Flores's letter responds to a limited number of points from Ms. Dickinson's letter. Based on our review of the USEPA responses sent by Mr. Flores, we have the following additional comments concerning the problems with the UAA prepared by Parsons. It is our professional opinion that the classification established by ADEQ for Coffee Creek and Mossy Lake is appropriate as outlined under 40 CFR §131.10.

**UAA PROCESS**

The UAA process should follow state and Federal regulations and guidance. First and foremost in the federal regulations (40 CFR §131.10(a)) is the statement that each State must specify appropriate water uses to be achieved and protected. The USEPA and its contractor have ignored that the State of Arkansas has listed a use variation supported by UAA for Coffee Creek and Mossy Lake (APCEC, 2007). The designated use for Coffee Creek, both upstream and downstream from the confluence with Georgia-Pacific's effluent, and Mossy Lake is "no fishable/swimmable or domestic water supply uses". The data collected by Parsons support the State of Arkansas' classification of this ecosystem. They note that the study's reference site and the site in Coffee Creek upstream from Georgia-Pacific's discharge do not meet the Gulf Coast Ecoregion standards.

Mr. Flores states that the USEPA compiled the available water quality data on Coffee Creek, Mossy Lake, and the Ouachita River ecosystems. However, no mention of any previous datasets, including three UAA's (State of Arkansas, State of Louisiana, Georgia-Pacific), decades of fish data (University of Louisiana at Monroe) and *in situ* water quality surveys of Georgia-Pacific since the late 1980's, were mentioned or relied upon in the Parsons report.

As will be described in further detail below, the reasons for performing the study are unclear. The current ecosystem meets multiple federal regulations that allow for removal of a fishable/swimmable designated use. Removing Georgia-Pacific's effluent from the system would not change this designation. In addition, improving the water quality in Coffee Creek and Mossy Lake would represent an undue economic burden that is also a cause for removal from a fishable/swimmable designated use. The Parsons report documented that the upstream site and the Reference site does not meet a fishable/swimmable use.

#### **CODE OF FEDERAL REGULATIONS, 40 CFR §131.10**

Arkansas has met the federal regulations as specified in 40 CFR §131.10(a) and 40 CFR §131.10(b) in determining the use classification of "no fishable/swimmable or domestic water supply uses" for Coffee Creek and Mossy Lake. Georgia-Pacific, the State of Arkansas, and the State of Louisiana have each completed a UAA for the Ouachita River and have determined that it is meeting its designated use. Therefore, the designated use for Coffee Creek and Mossy Lake does not interfere with downstream designated uses in the Ouachita River.

The Gulf Coast Ecoregion is not attainable in Coffee Creek upstream from the Georgia-Pacific Discharge, nor is it achievable in Coffee Creek downstream from the Georgia-Pacific confluence and Mossy Lake. While Georgia-Pacific meets its NPDES permit limits, it is not economically feasible to meet treatment limits prior to Coffee Creek that would improve the water quality in Coffee Creek greater than background to meet the Gulf Coast Ecoregion requirements. This is an acceptable deviation from the fishable/swimmable use, as per 40 CFR §131.10(g)(6). An economic analysis was previously presented in the UAA performed by Georgia-Pacific that was accepted by Arkansas, Louisiana and the USEPA.

Without the Georgia-Pacific effluent, Coffee Creek does not meet a fishable/swimmable use. This has been established both by the State of Arkansas and by Parsons. Upstream from Georgia-Pacific, Coffee Creek is an intermittent stream. By definition, this means Coffee Creek is a zero flow stream during part of the year, and, the designated use of fishable/swimmable can be removed as per 40 CFR §131.10(g)(2). The Parsons report identified that conditions outside the influence of Georgia-Pacific prevent the attainment of a fishable/swimmable designated use. Therefore, the fishable/swimmable use for Coffee Creek should be removed as per 40 CFR §131.10(g)(1), and the State of Arkansas is justified by Federal regulations in granting the variance to Coffee Creek.

Without annual maintenance by Georgia-Pacific, Mossy Lake would not exist and without the Georgia-Pacific effluent during the intermittent flow periods of the summer and early fall months, there would be no water in Mossy Lake. Based on this, it is not feasible or possible to operate Mossy Lake such that the fishable/swimmable designated use could be achieved. Without the annual repairs to the levee, waters from the flooding of the Ouachita River would

recede after the flooding. Therefore, the fishable/swimmable designated use for Mossy Lake can be removed as per 40 CFR §131.10(g)(4). The State of Arkansas is justified in granting the variance to Mossy Lake.

## **USEPA GUIDANCE DOCUMENTS**

Mr. Flores references the *Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses* (USEPA, 1983), and claims that the Parsons report has met the three fundamental questions:

1. What are the aquatic life uses currently being achieved in the water body?
2. What are the potential uses that can be attained based on the physical, chemical and biological characteristics of the water body?; and
3. What are the causes of any impairment of the uses?

It is our opinion that the Parsons report failed to provide clear answers to these questions and that the answers provided to these questions were not based on the data collected by Parsons or other sources.

The first question is “What are the aquatic life uses currently being achieved in the water body?” Although Coffee Creek and Mossy Lake have biological organisms present, the ecosystem does not meet a fishable/swimmable designated use. Parsons recognizes that the diverse and abundant life present are seasonal and tied to the flooding of the Ouachita River. During these times, Coffee Creek and Mossy Lake are considered to be part of the Ouachita River. Therefore, any claim that a fishable/swimmable designated use can be achieved during these times of flooding are relevant to the Ouachita River, not Coffee Creek and Mossy Lake. Parsons also recognizes that the waters of the Reference Site (a tributary to Coffee Creek), Coffee Creek, and Mossy Lake cannot support a viable and diverse aquatic community year round. The fact that any biology is present in Coffee Creek downstream from Georgia-Pacific and Mossy Lake during the dry season is a direct result of treated effluent discharge from Georgia-Pacific.

The second question is “What are the potential uses that can be attained based on the physical, chemical and biological characteristics of the water body?” The Parsons report shows that Coffee Creek upstream of the Georgia-Pacific effluent does not currently meet a fishable/swimmable designated use. The claim that this water body supports diverse and abundant life is not fact based and certainly not in line with the actual data presented by Parsons. The system can only support diverse and abundant life when it is part of the Ouachita River flooding events. During the dry season, it is an intermittent stream that does not provide sufficient water quality to support enough life to meet the fishable/swimmable designated use. If

Georgia-Pacific's effluent were removed from Coffee Creek, the whole creek would become an intermittent stream and be subject to the variance granted by 40 CFR §131.10(g)(2).

The third question is "What are the causes of any impairment of the uses?" The Parsons report does not address this question in an unbiased scientific manner. The report shows that the water quality upstream from Georgia-Pacific in Coffee Creek, as well as at the Reference site, does not meet water quality standards that would be applicable under the fishable/swimmable designated use. However, the report claims that Coffee Creek downstream from Georgia-Pacific is the reason for the impairment to Coffee Creek. This opinion, again, is not fact based. The conclusions in the report directly conflict with the data collected by Parsons. Again, the only reason there is water on a continuous basis in Coffee Creek downstream from Georgia-Pacific and Mossy Lake is because it is Georgia-Pacific's treated effluent. Without this effluent, there would be no water in this ecosystem during the non-flooding seasons of the year. The simple fact is that the system is meeting the designated use published by the State of Arkansas. If Georgia-Pacific's effluent were removed, the result would not change.

#### **INADEQUACIES OF PARSONS UAA**

Mr. Flores relies on the Parsons UAA in concluding that the Gulf Coast Ecoregion standards could be met. Contrary to the conclusions in the Parsons UAA and Mr. Flores' statement, the limited reliable data collected by Parsons prove the opposite, that the current use designated by the State of Arkansas is appropriate.

The Parsons UAA was deficient in multiple ways. While Parson's report adds some useable data to the record for the ecosystem, its overall data quality is poor, and the conclusions disregard established state and federal regulations and guidance. As a result, the report should not be relied upon as the basis to change the designated use.

The following are Georgia-Pacific's primary comments on the Parsons UAA (provided previously). None of these comments were addressed in Mr. Flores' response. The other comments from Georgia Pacific are not addressed here since they were numerous. The primary comments listed below focus on the major issues identified in the approach to fulfill the minimum standards of a UAA, and in presenting new data that would have any bearing on the present use of the Mossy Lake/Coffee Creek system as classified by ADEQ regulations. It is imperative that these concerns be addressed in order to make a determination that would change the designated use adopted by the State of Arkansas in compliance with federal regulations.

##### **1. Study Objectives**

Former Congressman Cooksey's March 14, 2002 letter requested that the Environmental Protection Agency (EPA) assess the impact of the GP discharge on the Ouachita River.

Instead of documenting the impacts that GP's discharge has on the Ouachita River, the "Final" December 2007 Report appears to be solely an effort to modify the state of Arkansas's water quality standards for Coffee Creek and Mossy Lake. Based upon an earlier UAA approved by the state of Arkansas and EPA Region 6, the decision has already been made that Coffee Creek and Mossy Lake will meet only certain water quality standards due to its use. See, Arkansas's Regulation No. 2, p. A-29 and A-31. Unlike other UAAs, this EPA December 2007 report was also never issued as a draft for public participation.

2. "No Aquatic Life" Use

The report inappropriately characterizes the current designated use of the Mossy Lake/Coffee Creek system as "no aquatic life". There is no such term in the ADEQ Regulation No. 2, nor is there any designated use in the regulation that resembles this term. The "Use Variation supported by UAA" for Mossy Lake and Coffee Creek in ADEQ Regulation No. 2 is "no fishable/swimmable or domestic water supply". The substitution of EPA's term of "no aquatic life" in the report, and the insinuations made using this term in the report are technically and scientifically unfounded.

3. Existing Data and Previous Data

Both reports (the January 2003 report and the December 2007 report) ignored a great deal of data and reports that the Crossett Mill assembled and sent to Karim Al-Khafaji of Parsons in July 2002. A critical shortcoming of the December 2007 report is that it does not consider, examine, compare or reference the Louisiana Use Attainability Analysis (UAA), the Arkansas UAA, or the GP UAA that have been done historically for the streams considered in this report, which have examined different factors in depth. All of these documents are available to the public.

The University of Louisiana at Monroe has collected extensive data on fisheries of the Ouachita River for years. This dataset was not referenced or mentioned for comparing the types of fish in the Ouachita River to those found at the study sites. The failure to consider a significant and extremely relevant dataset is a critical omission of this report.

4. River Conditions

The Ouachita River regularly floods the entire area. At times, the Ouachita River flood water has reached to the GP Aerated Stabilization Basin (ASB). When the Ouachita River is under flood conditions, the volume of water that exists in the Ouachita River is so great that the impact to water quality of GP's effluent is de minimus (much less than 1 percent of the river flow). For this reason GP's effluent would have no impact to the inundated areas due to the sheer volume of water from the flooded Ouachita River,



despite the assertions made in the December 2007 report of potential impacts to the Reference Site and otherwise. During certain times, these flood conditions result in the Ouachita River having naturally occurring low dissolved oxygen (DO) values (< 4 mg/L) within the flooded areas. Previous studies document that natural conditions (increasing temperatures and naturally-occurring organic matter) in the backwater areas of the Ouachita River as being the cause of poor water quality in the flooded areas. These naturally-occurring low dissolved oxygen conditions are reflected in both the Louisiana and Arkansas water quality standard regulations.

5. Coffee Creek and Mossy Lake Conditions (with and without the GP effluent)

Coffee Creek downstream from the GP outfall is continuously flowing. If the treated effluent from GP was not in this system, Coffee Creek would revert to a no flow stream with low dissolved oxygen and little water to support aquatic life during certain periods of the year. The same conditions would exist as for the reference stream (no continuous flow and isolated pools at best).

The December 2007 report (page 3-25) states the following:

*Mossy Lake under natural conditions would be a highly productive area because of frequent flooding that would occur from the Ouachita River. Oxbow lakes and wetland areas adjacent to large rivers that flood frequently provide excellent habitat...*

This statement about Mossy Lake is highly speculative. Mossy Lake is not an oxbow lake and is typically less than 2 feet deep. It is only this deep because GP maintains the levee structure on Mossy Lake and repairs this levee as necessary following the yearly flood events. Without this maintenance, the size of Mossy Lake would decrease drastically or vanish, and would likely be dry during much of the year as other similar low bottomlands in this area. It is also interesting that a suitable reference site for low-DO bottomland marshes, as Mossy Lake might conceivably be classified if it remained wet, was not selected and compared to Mossy Lake as part of this study as reference areas.

6. Mossy Lake Monitoring Station

The station selected for Mossy Lake is shown in Figure 1.1 of the report. This station primarily monitors the inflow from Indian Creek. It is not an acceptable station for defining the overall water quality of Mossy Lake, although similar low-lying DO marshes would not be expected to have high water quality. The water quality of this specific type of system has been recognized by the Arkansas Department of Environmental Quality

since it has classified both Mossy Lake and Coffee Creek as meeting only certain water quality standards.

## 7. Reference Stream

The selection of the reference stream used for comparison with Coffee Creek does not follow guidance as defined in chapter IV-6 of EPA's Technical Support Manual: Waterbody Survey and Assessment for Conducting Use Attainability Analyses (1983). The reference site selected for Coffee Creek is not an independent location within the Ouachita basin. The reference site was downstream from Felsenthal Dam within the same Ouachita River flood plain. However, the report claims that the site is impacted by GP. While these claims are not supported by the data presented in the Parsons report, the fact that the report uses the site as a Reference while claiming it is impacted by GP is one example of the unscientific approach of this document. The report also did not consider or document other candidate reference sites and consider the factors critical to the selection of the reference site. The reference stream is also documented in the report as having totally different substratum characteristics than all of the other stations. This is a major factor in determining the types of macroinvertebrates that will be present. Thus, comparing macroinvertebrate populations from this station to other stations is not scientifically justified based on EPA guidance.

Contrary to the statement on page ES-2 that the reference site stream has an apparent "diverse and abundant, although seasonal, aquatic community", this site was of very poor quality and was zero flow during most of the sample periods.

There is no reference site for comparison with Mossy Lake. Mossy Lake would naturally be a dry bottomland area with stagnant pools during summer and fall months. There are other reference bottomland areas in this area that could have considered and selected to demonstrate water quality conditions in this area of the Ouachita River floodplain.

## 8. Study Results

### a. Metals (A)

There is no EPA analytical method for "toxic metals" (an example of an inappropriate term used in this report). The analyses performed were for metals, and some of the samples were collected by "clean" techniques. Metals may prove toxic at different concentrations, as do a host of other compounds. Most of the analyses showed that the metals' concentrations were less than the Gulf Coast Ecoregion (GCER) standards, although these standards are not applicable to Coffee Creek or Mossy Lake. There was one high cadmium concentration in the sediments collected in Mossy Lake next to where Indian Creek enters Mossy Lake. This cannot be attributed to the GP influent, which

flows through the deeper channel to a point that is southeast from Station 3. There does not appear to be impacts from metals due to the GP discharge at any of the stations.

There were a few elevated mercury concentrations found in sediments at the reference site and one elevated mercury concentration detected in sediments collected from Coffee Creek. This suggests that this mercury may be the result of sediments carried in the floodwaters from the Ouachita River, from air deposition or non-point contributions. In 2002, EPA conducted a TMDL for mercury in fish tissue in the lower Ouachita River, which is listed as impaired. This TMDL points out that air deposition is responsible for over 99 percent of the mercury load in the basin. This 2002 TMDL report was not referenced in the 2003 Parsons report.

b. Pesticides-Herbicides-PCBs

The analyses for pesticides-herbicides-PCBs definitively document that these parameters are not present in these sediments, nor would they be expected from the GP effluent.

c. Toxicity (C)

The five sampling events showed sporadic toxicity failures at all the sites, including the reference site and the upstream Ouachita River. The fourth sample event results should be discarded completely due to obvious QA problems with the testing and failures in the field blanks.

The report attempts to draw conclusions about the toxicity being caused by the Mossy Lake/Coffee creek subsystem. It is difficult to identify causal relationships with this set of data. The results instead identify that there are either serious QA problems with the handling of these samples or data, as demonstrated vividly in Sample Event 4, or that toxicity, if it really is present, may actually be due to an upstream source.

The discussion about problems with sediment toxicity being caused by cadmium on page 3-23 of the report, and potential switching of bottles represents some real issues with QA procedures. Drawing direct conclusions based on “inconsistent” results and unknown QA issues is a prime example of how this report appears to use whatever data is produced to support a presumptive conclusion.

d. Macroinvertebrate Communities

The report attempts to compare biological communities from different habitats. One does not expect the same macroinvertebrate community in a sandy bottom as a silt or clay-bottom water body. Sedimentation from flooding plays a major role in the habitats of these different sites. The grain size analyses demonstrated that there were four different

sediment characteristics. Each of these sediment types would most likely support different macroinvertebrate populations.

e. Fish Communities

The report failed to recognize or utilize the extensive fisheries data available for the Ouachita River from the University of Louisiana at Monroe. Dr. Neal Douglas and his staff have the most complete biological inventory of the Ouachita River available and it is shortsighted not to include their extensive knowledge in this report. Dr. Douglas reported in February 1993 that the overall fisheries in the Ouachita River, from the Arkansas-Louisiana state line to the Columbia Lock and Dam is healthy. This information was reported in the GP UAA. A number of improvements have been made in the GP wastewater treatment system in the last 15 years: the health of the fisheries in the Ouachita River presently is certainly even better than 1993.

The decision by the on-site biologist to not complete a full description of the fish populations collected, that is, not collect weight and length, is fundamentally unsound for a professional biological study. This was documented in several places in the report that this was a failure to follow the QAPP. The failure to compare this system to systems with similar characteristics results in erroneous data interpretation and questionable conclusions.

f. Ammonia

Approved water quality modeling for the Ouachita River has shown the role that nutrients play in ensuring dissolved oxygen is maintained in the Ouachita River from Coffee Creek to Sterlington. This system is nutrient limited and the contribution of DO from the algal component provides a primary source of oxygen in the Ouachita River.

g. Anthracene and Fluoranthene

The polycyclic aromatic hydrocarbons (PAHs) anthracene and fluoranthene, were detected in the sediments in Coffee Creek and Mossy Lake and were flagged as "exceeding" GCER water quality criteria/sediment benchmark values and being the potential cause of sediment toxicity (page 3-24). None of the concentrations reported for Coffee Creek for anthracene and fluoranthene are greater than the range reported in the literature for urban and suburban streams. Nothing in the report documented that common sources of these substances include runoff from roads and urban areas, runoff from agricultural sources and runoff from burning of forest areas prior to reseeded. All of these are potentially significant sources of these substances. The report implication is that the presence of these compounds is due to the GP effluent. This statement has no scientific validity other than comparing against standards that do not apply.

## 9. Inappropriate Scientific Statements and Conclusions

The report states on page 3-22 that the reference site had “sporadic exceedances of chloride, sulfate and TDS”. In fact, the reference site was above the Gulf Coast Ecoregion standard for chloride for four of the five sampling events, TDS for five of the five sampling events and sulfate for one of the five events. This is hardly sporadic, and represents a definite issue with these parameters at this reference site. The report then attempts to blame GP effluent for these issues, reflecting not only a poor selection of a reference site (if in fact, this statement was accurate), but also shows the clear misunderstanding of the hydraulics of the Mossy Lake/Coffee Creek system.

The report states on page 3-24 that the “aquatic community of Coffee Creek exhibits the expected characteristics of an impaired system.” An impairment occurs when a system is not meeting its use. The Mossy Lake/Coffee Creek system is not impaired for its listed use. This statement is further evidence of the report’s underlying intentions to make the data and facts fit presupposed conclusions.

On page 4-1 of the report, it is stated that for the waters of Coffee Creek and Mossy Lake that there were “exceedances of numeric GCER standards in these water bodies and signs of ecological impairment”. Numeric GCER standards do not apply: there were no exceedances, though the report intentionally presents the data in this manner. The frequent incorrect use in the report of terms such as “no aquatic life use”; “exceedances of GCER numeric standards” for Mossy Lake and Coffee Creek (which do not in fact apply); and “toxic metals” reflects the presumptive conclusions that are a recurring undertone in this entire report that are not supported by the actual data presented in the Parsons report.

Section 4 (Conclusions) and Section 5 (Recommendations) fail to address the first stated objective of the report, which was to perform a water quality assessment of the Ouachita River. In fact, the data presented in the report for this objective is curiously brief and the investigations of biological data and habitat for upstream and downstream Ouachita River sites were simply not done.

## **CONCLUSIONS CONCERNING PARSONS REPORT**

The report definitively states “Data collected in this survey indicate that aquatic life in the Mossy Lake and Coffee Creek systems is impaired. The source of that impairment is likely the outfall from the Georgia Pacific facility in Crossett, AR.” The bulk of the data contained in this report do not support this statement. The data presented did not provide adequate reference streams or bottomland areas/lakes for comparison. The selection of the reference site was apparently not done according to EPA guidance nor was the water

quality at the reference site stream of suitable quality to meet the GCER surface water quality standards. Based on the data from the actual reference site stream used, the reference site is of poor water quality, as would be expected from any zero-flow stream draining the floodplain areas lying along the Ouachita River.

The December 2007 report limits the investigation to a narrow range of data and glosses over the vast quantity of data collected by ADEQ, GP and the University of Louisiana at Monroe. Many of the datasets presented in this report are of very questionable quality (the report itself admits QA/QC problems with the toxicity data), and the conclusions drawn are not consistent with the actual data presented.

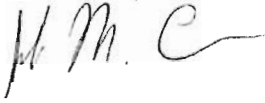
The report attempts to position the data as new information that should offer sufficient evidence to reexamine the existing use as stated in ADEQ Regulation No. 2. The data does not provide that evidence. The data presented in this report, and especially the conclusions, would not withstand technical and legal scrutiny to cause revisions to the existing use of the Mossy Lake/Coffee Creek system.

#### **FINAL THOUGHTS FOR UAA**

The USEPA and its contractor have ignored both federal and state regulations and guidance in perpetuating this UAA. They have also ignored the task that was set before them, which was to determine the UAA for the Ouachita River. There is virtually nothing about the Ouachita River in the Parsons report, and certainly not enough to establish a UAA. If the USEPA wants Arkansas to change the current designated use of Coffee Creek and Mossy Lake, the Parsons report falls short of a credible scientific document that would provide the necessary data. We recommend that any future work towards this goal follow accepted scientific methods and USEPA guidance. It is unlikely, even with the proper collection and analysis of additional data, that the current designated use of Coffee Creek and Mossy Lake would change since it currently meets four of the six exemptions that allow a variance from a fishable/swimmable designated use.

We appreciate the opportunity to assist you with this issue. If you have questions or comments pertaining to this letter, please contact us by telephone at (615) 373-8532, by FAX at (615) 373-8512, or by e-mail at [jmccorn@aquater.com](mailto:jmccorn@aquater.com) or [mcorn@aquater.com](mailto:mcorn@aquater.com).

Regards



John Michael Corn, P.E.  
Project Manager



Paul J. Marotta, P.E. (AR)  
Operations Manager

cc: Traylor Champion, Georgia-Pacific  
Allison Lathrop, Georgia-Pacific  
Mike Corn, P.E., AquAeTer