Attachment 27

Message

From: Pratt, Marirose [Pratt.Marirose@epa.gov]
Sent: 11/8/2021 7:47:30 PM
To: O'Rourke, Steve (ENRD) [Steve.O'Rourke@usdoj.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Valenzuela, Johanna (USASC) [Johanna.Valenzuela@usdoj.gov]
Subject: New Indy - Revised draft CD and Appendix A/term sheet
Attachments: 11-8-21 Draft Appendix A - Work to be Performed.docx; 11-8-2021_EPA 2d draft CD_Clean.docx; Comparison of EPA's 10-7-21 1st CD draft to 11-8-21 2nd CD draft.docx

Hi All,

Thank you for reviewing the draft documents I shared last week. Please find attached revised draft of the Appendix A/term sheet, a clean copy of the CD, and a redline comparing our initial draft CD with the clean copy with today's date. These are final drafts that I believe are ready to send to New Indy. I saved my responses to internal comment bubbles in Appendix A the SharePoint version I shared last week, so you should be able to reference that document if needed.

Please let me know if you see anything I missed or have any trouble accessing the documents.

Thank you!
Marirose

Marirose J. Pratt
Senior Air Enforcement Attorney
Air & EPCRA Law Office
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
Phone: 404-562-9023
Fax: 404-562- 9486
pratt.marirose@epa.gov

Appointment

From: Pratt, Marirose [Pratt.Marirose@epa.gov]
Sent: 11/30/2021 10:27:02 AM
To: Russo, Todd [Russo.Todd@epa.gov]; Dressler, Jason [Dressler.Jason@epa.gov]; Taylor, Kevin [Taylor.Kevin@epa.gov]; Kler, Denis [Kler.Denis@epa.gov]; Mills, Andrew [mills.andrew@epa.gov]
CC: Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]

Subject: New Indy - discussion of NIC's proposed edits to Appendix A
Attachments: 11-30-21_EPA's_2nd Draft Appendix A - Work to be Performed.docx; Appendix IV - Passive Post Aeration Basin Cover System 11-29 (002).docx; Appendix V - Spill Containment 11-29 (002).docx
Location: Microsoft Teams Meeting

Start: 11/30/2021 3:00:00 PM
End: 11/30/2021 3:30:00 PM
Show Time As: Tentative

Required Attendees: Russo, Todd; Dressler, Jason; Taylor, Kevin; Kler, Denis; Mills, Andrew
Optional Attendees: Caballero, Kathryn; Nowell, Valerie

Good morning,

Please find attached New Indy's redline of Appendix A, with a few comment bubbles from me to guide our discussion. I'm also attaching two documents that New Indy provided describing the black liquor containment and post aeration basin cover system. Please look over these before we meet if you have time.

Thanks!
Marirose

Microsoft Teams meeting

Join on your computer or mobile app
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+1 470-705-2279,,918134724# United States, Atlanta

Phone Conference ID: 918 134 724#
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Passive Post Aeration Basin Cover System:

Concept:
The existing carbon filtration system incorporates a solid cover over the Post Aeration Basin ("PAB") with a few openings for allowing air intrusion into the vapor space of the basin. A ductwork header and suction inlets are created with corrugated plastic piping which then feeds a blower fan. The blower fan pushes the vapors from the PAB through an activated carbon filter and then exhausts through a discharge pipe to ambient atmosphere. This current system is an "active" system because it includes a blower fan.

The alternate "passive" system simply utilizes the existing air movement actions of the induction aerators to bring air into the basin which then dissipates through the liquid effluent and discharges by natural convection upwards into the vapor space and then out of the basin. To filter these vapors, a cover will be installed which uses this natural convection process to capture any odorous compounds and have them flow through activated carbon "patches" which are both replaceable and built into the cover of this PAB filtration system. No fan is required, hence the "passive" nature of the system. The initial intent is to replace the carbon patches at twice the frequency recommended by the vendor.

Description:
Anue Water Technologies' Engineered Odor Control System technology is a patented, custom designed Geomembrane system with integrated odor control filters to reduce odor emissions. The membrane is supported by a cable grid and batten bars above the surface, making it unaffected by aeration, changing water levels, foaming, bacteria and other common issues. Custom access and viewing ports allow for uninterrupted maintenance. The engineered specialty filter inserts are designed to last 9 to 18 months, but they may be changed more often as needed depending on ambient monitoring emissions levels.

The mill has requested a proposal from Anue Water Technologies for an EOCS Geomembrane system for the PAB. The objective of the project is to reduce the odors emanating from the PAB. The PAB has the dimensions of 40' x 61', 2440ft2 (12.2m x 18.6m, 226.9m2) (Fig. 1).

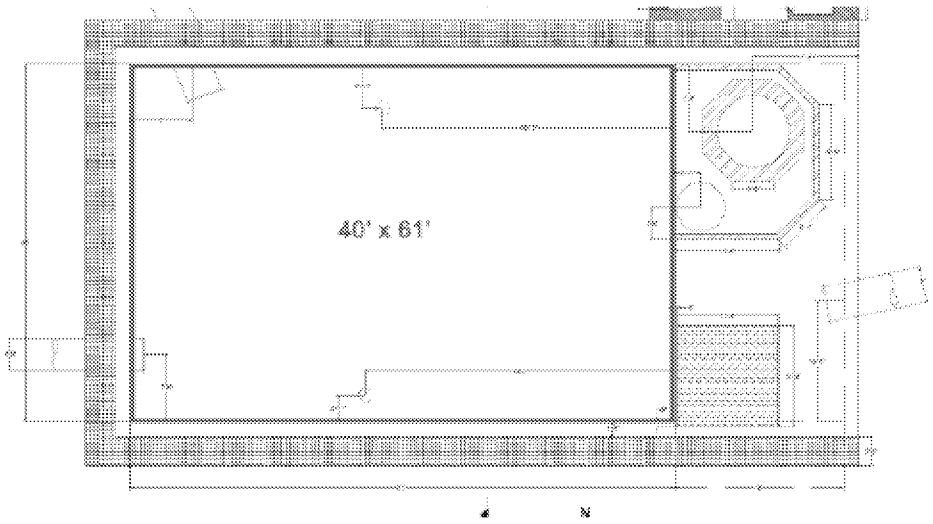


Fig. 1

The EOCS Geomembrane will have 99 filter pockets and one access port. The preliminary design of the membrane is in Fig. 2. The support of the membrane will consist of steel cables across the PAB in both directions. The PAB has pre-existing cables installed at an interval of 48" which will be left in place and additional cables will be installed in between. Because of the extensive size of the membrane, double cables will be used in the middle of the Basin.

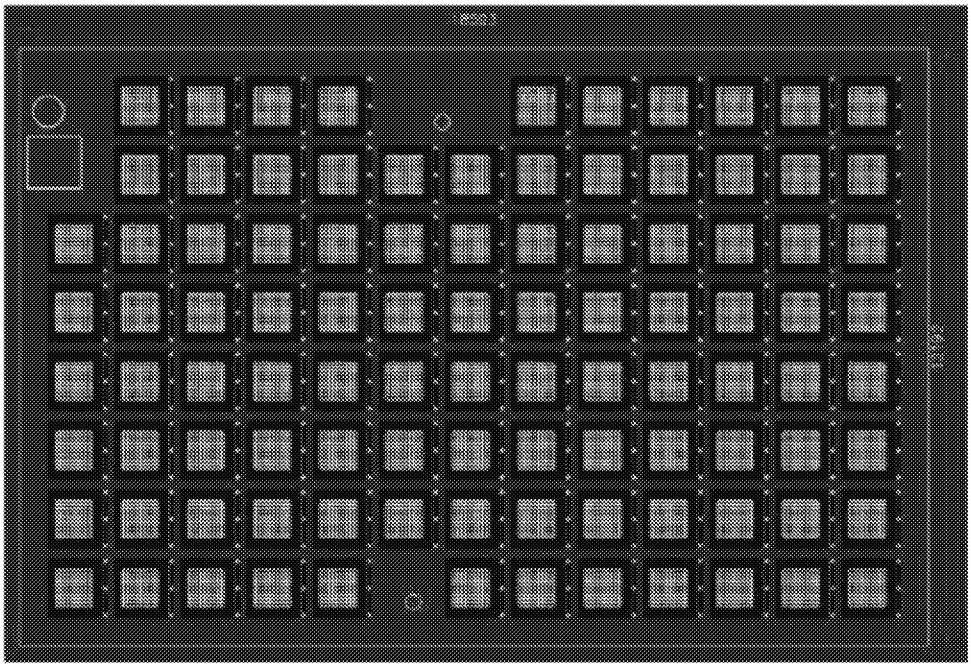


Fig. 2

The EOCS Geomembrane consists of a highly resistant, non-porous membrane with activated carbon filters enclosed inside pockets (Fig. 3). The hook and loop (aka Velcro) pockets allow for easy access to change the filters (Fig. 4). The membrane is rested on top of the support cables crossing the PAB. The EOCS Geomembrane fastening system consists of batten bars that are fitted and anchored with expansion bolts on the side of the edges of PAB (Fig. 5). The membrane is placed between two batten bars. The batten bars are installed in the horizontal or vertical part of the Basin wall depending on the circumstances of potential obstructions in the PAB. The design of the cover, along with the size and placement of the filters, may vary and depend on the circumstances of each individual project. Anue Water Technologies has customized the placement of the filters based upon the design and specifications of the PAB.

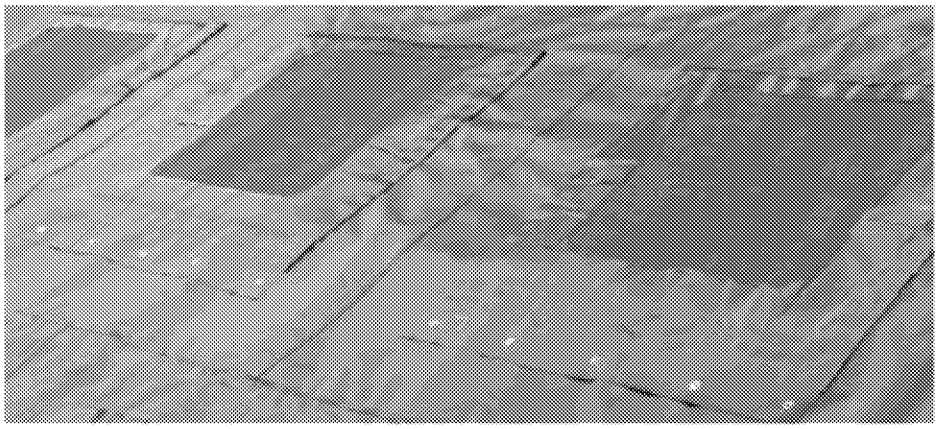


Fig. 3

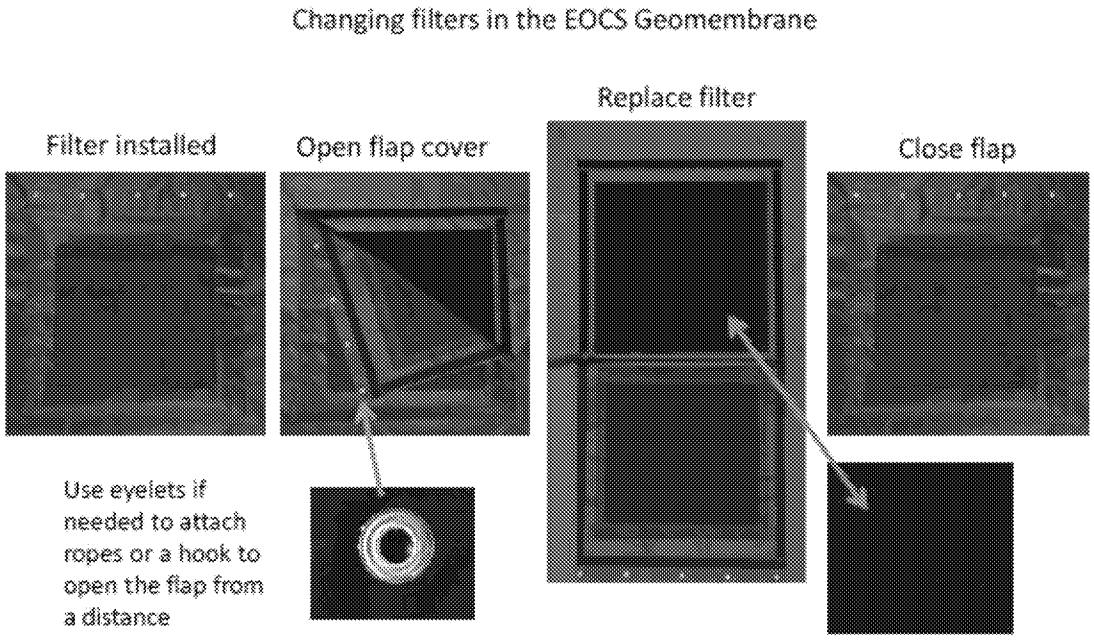
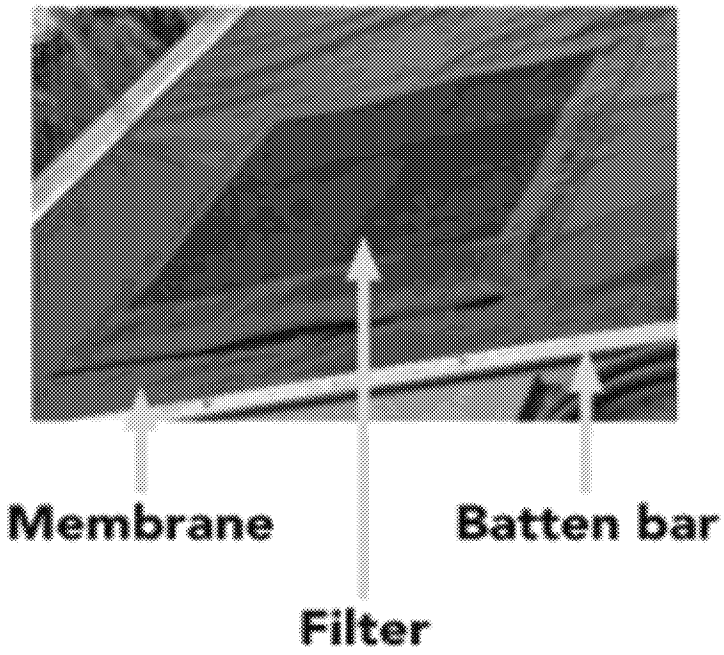


Fig. 4



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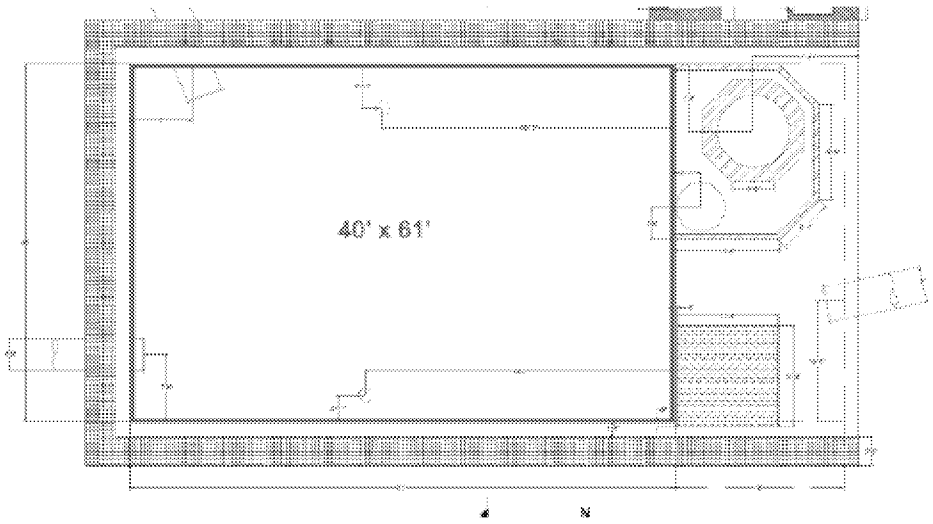

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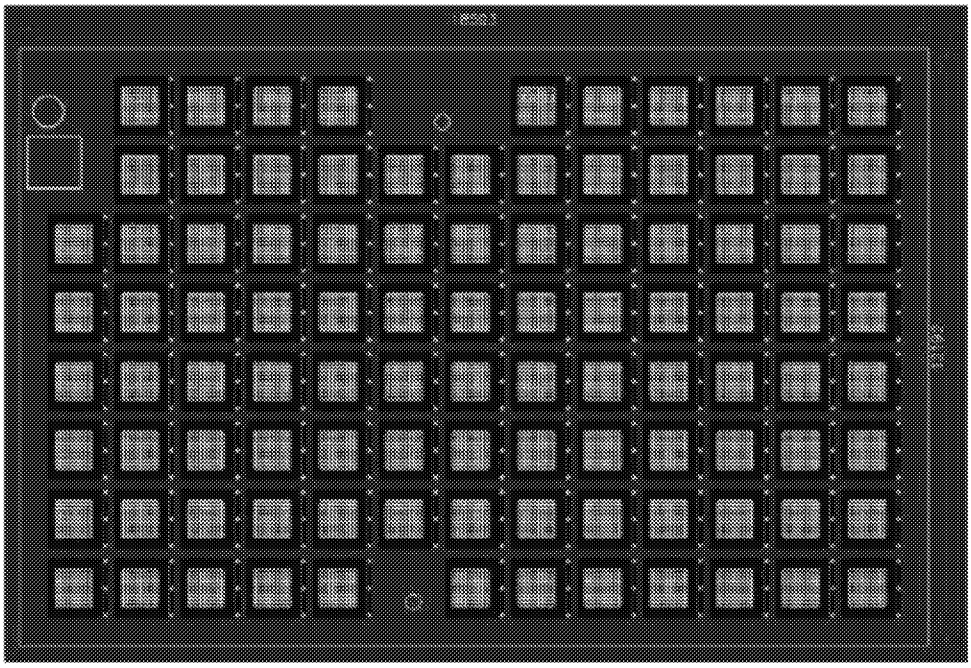

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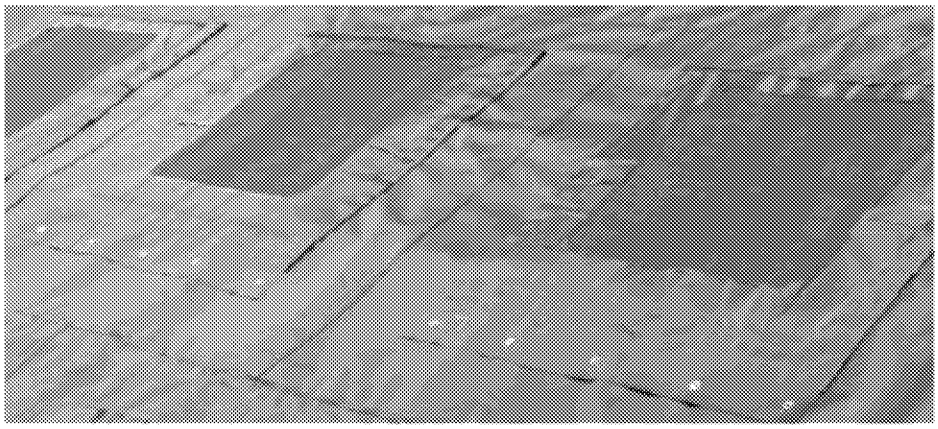


Fig. 3

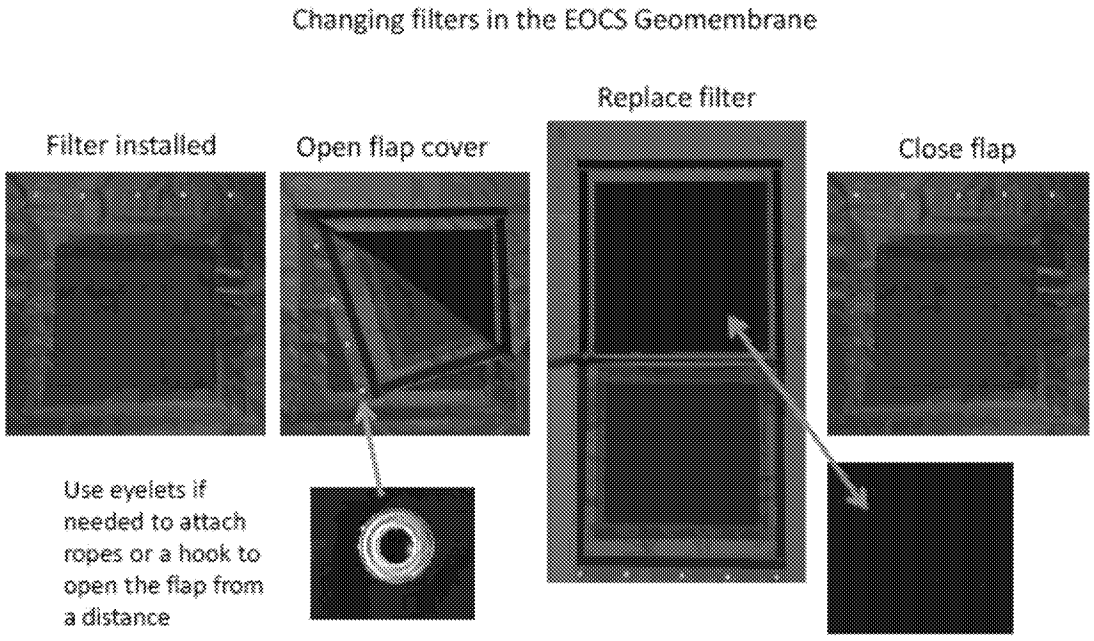


Fig. 4

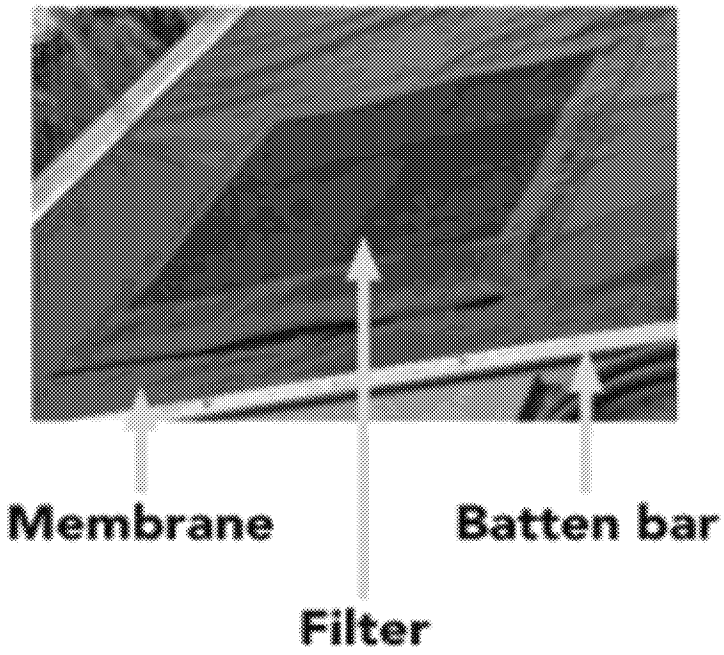


Fig. 5

Stripper Maintenance & Cleaning Outage: September 2021
ORP Control Strategy & Effectiveness for Foul Condensate to ASB

This document assesses the use and effectiveness of Oxidation Reduction Potential (ORP) as a means of proactively treating the unstripped foul condensate during a recent Stripper outage event.
(October 15, 2021)

Objective:
A maintenance and cleaning outage was scheduled in September to address declining performance in the Foul Condensate Stripper operation. During this outage, the foul condensate typically processed through the Foul Condensate Stripper operation would have to bypass the Stripper and go straight (untreated) to the ASB. Historically, this has never been problematic for the mill. However, given the recent issues and concerns with odor and hydrogen sulfide emissions from the mill, New-Indy Catawba developed an alternative means of treating the unstripped foul condensate prior to discharge into the ASB. Accordingly, New-Indy Catawba devised a plan to inject hydrogen peroxide into the hard pipe between the Stripper Feed Tank and the ASB. To control the peroxide dosage, ORP instrumentation was installed with both feedback and feed-forward control logic to maintain peroxide dosage into the foul condensate for the entire outage period.

Control Strategy:
Both industry literature and input from outside environmental consultants were referenced to establish ORP to pre-treat the foul condensate with peroxide to minimize potential hydrogen sulfide generation in the ASB. The control concept uses ORP as an indication of how well sulfur constituents are oxidized by a controlled upstream dosage of hydrogen peroxide. The peroxide injection and ORP measurement are both performed within the hard pipe, between the Stripper Feed Tank and the condensate discharge into the ASB treatment lagoon. The final control strategy included the following characteristics and features:

a) Variable speed, positive displacement chemical dosing pumps (speed directly proportional to flow),
b) ORP probes to monitor effective oxidation of sulfur species,
c) ORP sensor installed far enough downstream of peroxide injection point to accomplish thorough mixing and reaction time,
d) Automatic feedback loop using the ORP to control peroxide pump speed (flow), and
e) Feed forward input from upstream foul condensate conductivity sensor to provide "early warning" of any potential increase in contamination from the condensate sources and initiate a corresponding "bump" to the peroxide pump speed.

With additional input from consultants, New-Indy Catawba decided to implement a conservative control strategy by planning to maintain a positive ORP value (biasing the control scheme towards treatment rather than operating cost). To compensate for process variabilities and control lag times which characterize feedback control loops (time delays between injection and downstream measurement and corrected/adjusted injection flow rates), New-Indy Catawba ultimately chose to go one step further and establish the ORP setpoint at +50mV. The following three additional safety measures were then included in the control scheme, again, to ensure thorough and effective oxidation of sulfur compounds:

1) Always maintain at least a minimum pump speed for the peroxide injection, even if ORP was above the setpoint target,

2) Manual override capability was included to maintain peroxide flow if the ORP sensor failed, and
3) Redundancy: A second peroxide pump and second ORP sensor were installed as emergency spares in the event of primary unit failure.

Implementation:
Prior to committing to the equipment dismantling activities necessary for cleaning and maintenance, the Stripper column had to be boiled out, flushed, and cooled down. During this process of boiling/flushing/cooling, the ORP controls were tested and tuned over a complete range of condensate flow conditions, and then left to run for an extended period to prove the concept and system reliability. The first attempt revealed that additional work was necessary to ensure the system would be robust and sustainable throughout the extended outage duration. The outage was postponed, and the Stripper was put back into full service until the ORP system could be made more reliable. Several days later, following implementation of system improvements, the boil out, flush, and cool down process was once repeated. The ORP controls were again tuned, adjusted, and allowed to run for a long enough period to be proven effective, and the outage commenced.

Monitoring & Reporting:
To ensure that the ORP system was not overlooked while operators performed their normal daily functions, the controls and control performance tracking information was built into the mill's computerized process control system (DCS) used by its operators throughout the plant. The ORP controls information was also imported into the mill's process data historian and published on multiple display pages which could be watched by New-Indy Catawba personnel throughout the plant. Furthermore, at SCDHEC's request, for the duration of the maintenance and cleaning outage event, an email was automatically generated and sent which included both a trend display and tabular data table of rolling 10-minute average ORP values.

Performance & Effectiveness:
The ORP control strategy and implementation was proven successful. Hourly average data through the outage shows that 100% of the processed condensate was kept above 0mV for a 100% positive ORP value. The sustained minimum pump speed resulted in 74% of the condensate being kept at readings between 150-200mV. Figure 1 (end of report) plots the distribution of ORP values in comparison to the percentage of treated condensate at those readings.

Post outage, the ORP system has maintained a success rate very similar to that during the outage. One short duration event has kept the ORP system from maintaining 100% of the data above 0mV, and this was due to an upset in steam pressure to the Stripper operation. That said, 98% of the condensate processed since the outage has been maintained with a positive ORP reading. Figure 2 demonstrates the post-outage system performance.

System Limitations:
A) The current system uses ORP as a surrogate to control "potential to emit." Other sensors may prove to be more effective, but better options have not yet been identified.

B) Concentration of individual components is not a known or measurable characteristic. Consequently, the condensate's conductivity in the Stripper Feed Tank has always been used as a surrogate to indicate the presence of black liquor contamination. Given that black liquor contains sulfurous components, the conductivity reading is now used to "bump" the pump speed if a sudden increase occurs upstream of the peroxide injection point.

Key Opportunities for Improvement:

Several opportunities exist for potential improvement to the existing ORP control system, each of which will receive further investigation to determine its true merit.

1) Upgrade the second peroxide pump connectivity so it can be used automatically if the primary pump fails.
2) Upgrade the second ORP sensor connectivity so it can be automatically switched into "control" if the primary sensor fails.
3) Monitor ORP, DO, something else: Some literature suggests that DO could also be utilized. Additional investigation is required to determine which sensor provides the best responsiveness and durability for control.
4) Peroxide: Evaluate if there is another chemical or oxidation approach to accomplish the intended treatment of the foul condensate.
5) Controls tuning: The system has performed well throughout both the outage and post-outage periods. However, the ORP values continued to run well above the "necessary" point of -50mV, and even well above a positive value on a conservative basis. Also, the spread of ORP data is much less tightly controlled with the reduced flow rates in the post-outage period. That said, the base pump speed can probably be adjusted, and additional control features may be capable of better managing the cost of peroxide treatment without compromising treatment efficacy.

Conclusions:

1) The intended goal of effectively maintaining a positive ORP with peroxide has been successfully accomplished.
2) The system can certainly be improved from an operating cost standpoint.
3) Treatment efficacy can be improved with some upgrades to the hardware and instrumentation connectivity, and potential alternative instrumentation devices.

Pete Cleveland
Technical Manager

ATTACHMENTS:
Figure 1 – ORP Frequency Trend – Outage Period
Figure 2 – ORP Frequency Trend – Post Outage

FIGURE 1 *(107 data points)*

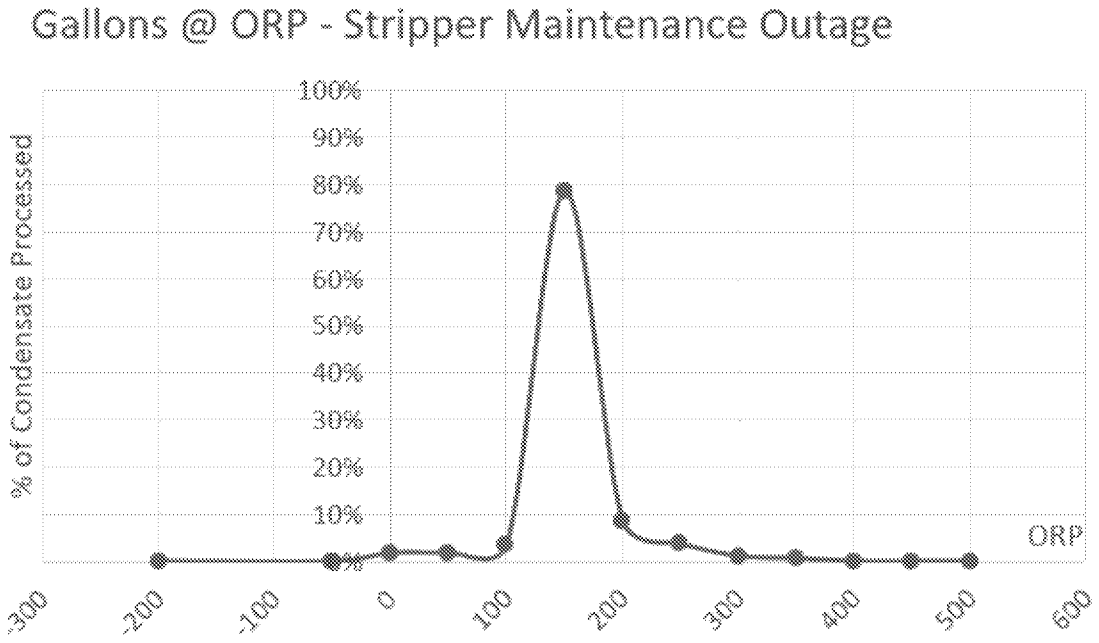
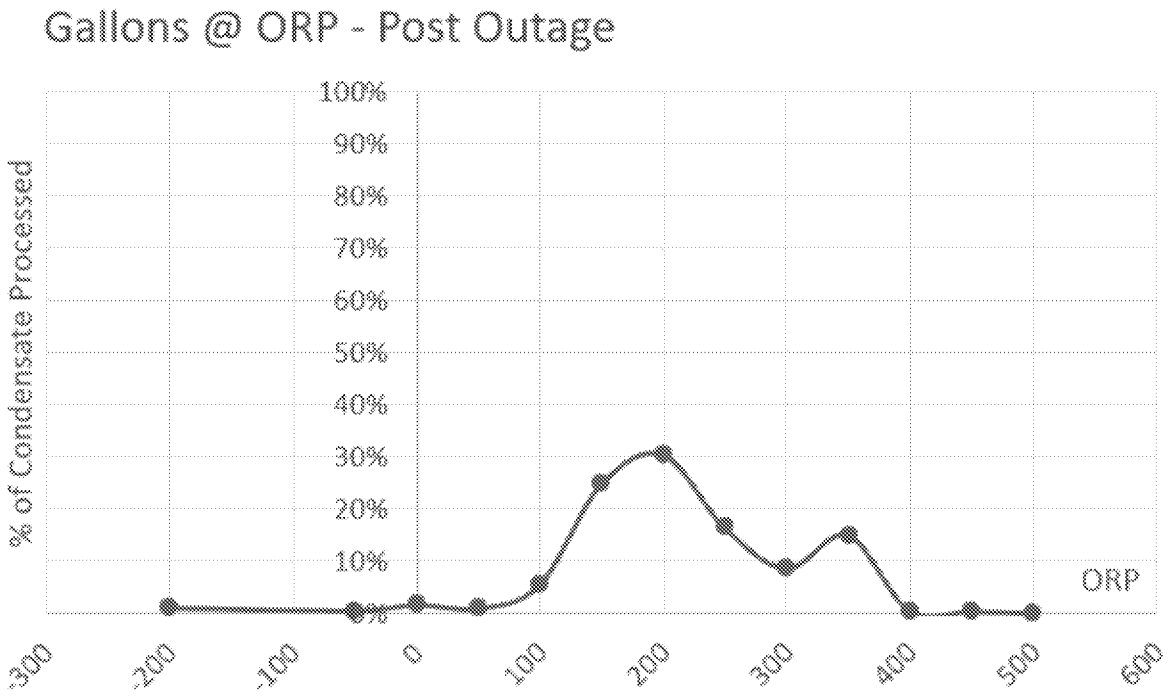


FIGURE 2 *(356 data points)*



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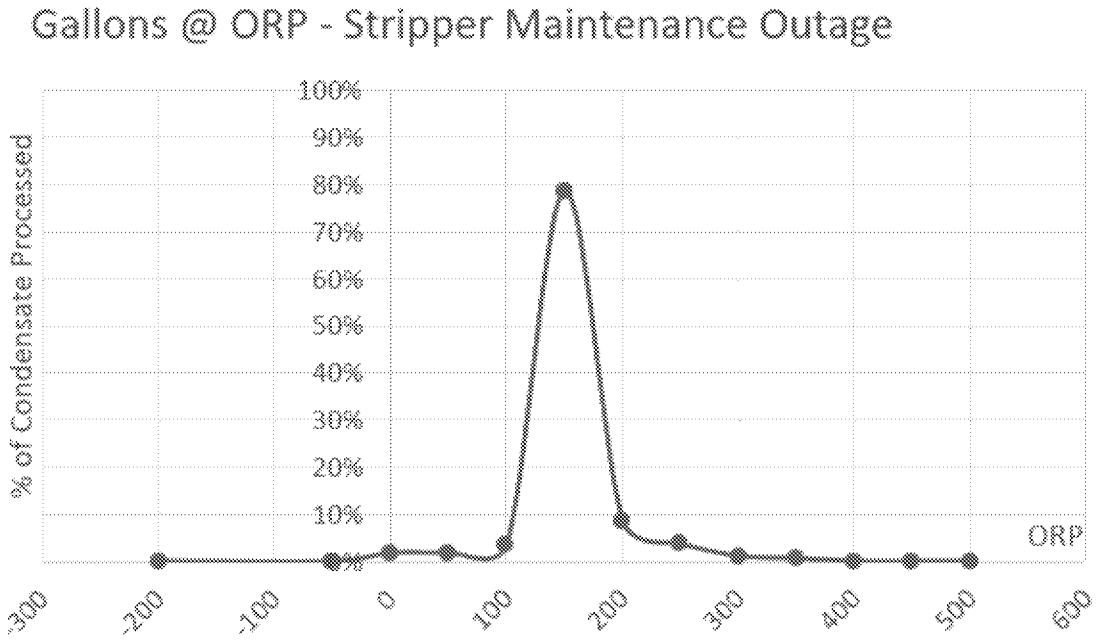

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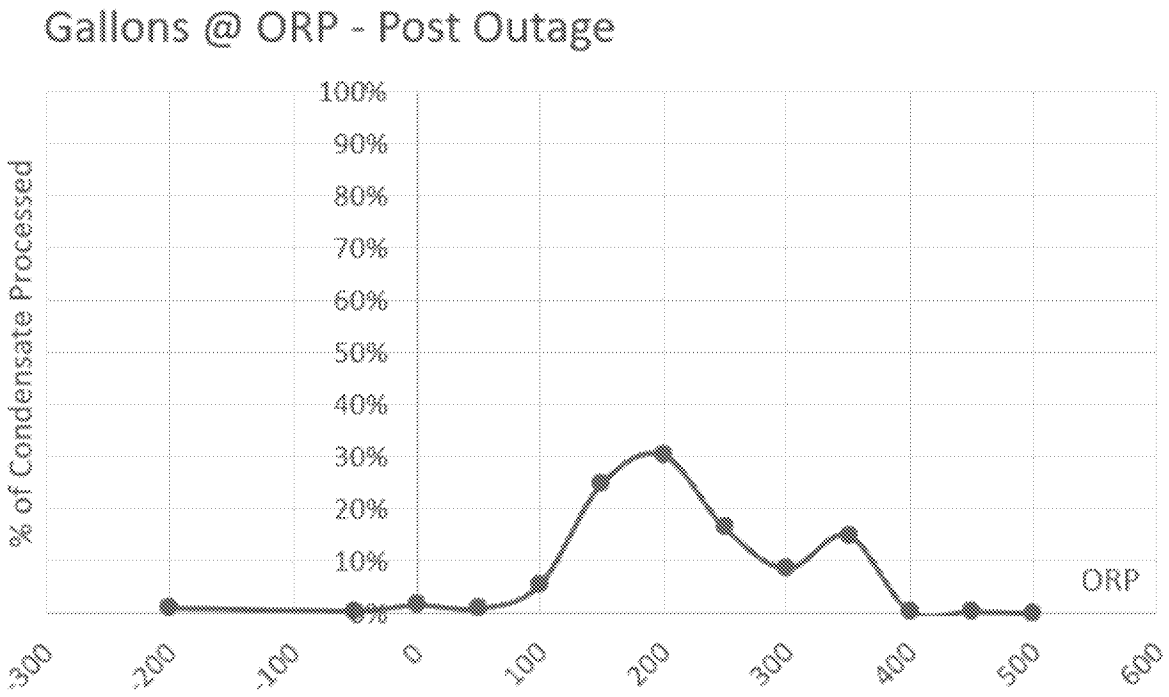

Message

From: Stephanie Blackman [sblackman@SchwarzPartners.com]
Sent: 10/27/2021 6:19:04 PM
To: Pratt, Marirose [Pratt.Marirose@epa.gov]; O'Rourke, Steve (ENRD) [Steve.O'Rourke@usdoj.gov]; Valenzuela, Johanna (USASC) [Johanna.Valenzuela@usdoj.gov]; England, JJ [England.Jj@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]
CC: Cobery, Jim [JimC@TheKraftGroup.com]; Weber, Steven D. [steveweber@parkerpoe.com]; Golden, Rebecca (RebeccaG@thekraftgroup.com) [RebeccaG@thekraftgroup.com]; Sparks, Mallory S. [mallorysparks@parkerpoe.com]; Stephanie Blackman [sblackman@schwarzpartners.com]
Subject: RE: [External] New Indy - Draft Consent Decree
Attachments: ENV_ENFORCEMENT-#3011985-v1-nic_settle_CD-New-Indy_10.27.2021_clean.docx; ENV_ENFORCEMENT-#3011985-v1-nic_settle_CD-New-Indy_10.27.2021_marked.docx

Hi Everyone,

Attached please find New-Indy's comments to EPA's proposed draft Consent Decree. Jim and I are happy to discuss at your convenience.

Regards,
Stephanie

Stephanie A.H. Blackman
VICE PRESIDENT & GENERAL COUNSEL

10 WEST CARMEL DRIVE, SUITE 300
CARMEL, INDIANA 46032

317.290.1140 (office) | 317.292.0520 (cell)
sblackman@schwarzpartners.com
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From: Pratt, Marirose <Pratt.Marirose@epa.gov>
Sent: Thursday, October 7, 2021 3:26 PM
To: Weber, Steven D. <steveweber@parkerpoe.com>; Cobery, Jim <JimC@TheKraftGroup.com>; Stephanie Blackman <sblackman@SchwarzPartners.com>; Golden, Rebecca (RebeccaG@thekraftgroup.com) <RebeccaG@thekraftgroup.com>; Sparks, Mallory S. <mallorysparks@parkerpoe.com>
Cc: O'Rourke, Steve (ENRD) <Steve.O'Rourke@usdoj.gov>; Valenzuela, Johanna (USASC) <Johanna.Valenzuela@usdoj.gov>; England, JJ <England.Jj@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>
Subject: [External] New Indy - Draft Consent Decree

Good Afternoon,

Please find attached a proposed draft of the Consent Decree for the New Indy CAA 303 matter. As we've mentioned before, this document contains the standard terms, conditions, stipulated penalties, etc. to go along with the more case-specific terms we are concurrently negotiating in the term sheet (which will be fleshed out and attached as an appendix to the Consent Decree).

We realize you will not have enough time to review this before our meeting tomorrow but we still wanted to get it in your hands as soon as possible.

On the topic of tomorrow's meeting, please let me know if you have any specific agenda topics you'd like to discuss. If not, we would be happy to just explain the reasons behind the revisions in the most recent draft of the term sheet.

Thanks,
Marirose

Marirose J. Pratt
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pratt.marirose@epa.gov

Message

From: O'Rourke, Steve (ENRD) [Steve.O'Rourke@usdoj.gov]
Sent: 9/8/2021 4:23:44 PM
To: Pratt, Marirose [Pratt.Marirose@epa.gov]; Valenzuela, Johanna (USASC) [Johanna.Valenzuela@usdoj.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]
Subject: RE: New Indy Term Sheet

You need to add a disclaimer: subject to final approval from authorized government officials, a public comment period, and court approval.

Do we need to /should we run this by DHEC to see if they are asking for wildly different things?

From: Pratt, Marirose <Pratt.Marirose@epa.gov>
Sent: Wednesday, September 8, 2021 12:18 PM
To: O'Rourke, Steve (ENRD) <Steve.O'Rourke@usdoj.gov>; Valenzuela, Johanna (USASC) <JValenzuela@usa.doj.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>
Subject: New Indy Term Sheet

Hi Steve and Johanna,

Please find attached EPA's proposed term sheet to settle the CAA 303 judicial action with New Indy. Please let us know if you have any questions or concerns.

Is everyone comfortable with transmitting this to New Indy today?

Thanks!
Marirose

Marirose J. Pratt
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Phone: 404-562-9023
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pratt.marirose@epa.gov

Message

From: Pratt, Marirose [Pratt.Marirose@epa.gov]
Sent: 11/3/2021 5:55:24 PM
To: Russo, Todd [Russo.Todd@epa.gov]; Dressler, Jason [Dressler.Jason@epa.gov]; Kler, Denis [Kler.Denis@epa.gov]; Taylor, Kevin [Taylor.Kevin@epa.gov]; Mills, Andrew [mills.andrew@epa.gov]
CC: Foley, Patrick [Foley.Patrick@epa.gov]; Secrest, Cary [Secrest.Cary@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]
Subject: RE: New Indy - term sheet/Appendix A
Attachments: Comparison of EPA's 10-7-21 1st CD draft to 11-3-21 2nd CD draft.docx

<!--[if lte mso 15 || CheckWebRef]-->

Pratt, Marirose has shared a OneDrive for Business file with you. To view it, click the link below.

11-3-21 Draft Appendix A - Work to be Performed.docx

<!--[endif]-->

Hi All,

Please find attached a revised term sheet/Appendix A for your review. I am also attaching the current draft of the CD with includes redline changes we have made or accepted since our first draft.

Please let me know if you have any questions.

Thanks!

Marirose J. Pratt
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-----Original Appointment-----
From: Pratt, Marirose
Sent: Wednesday, November 3, 2021 9:24 AM
To: Pratt, Marirose; Russo, Todd; Dressler, Jason; Kler, Denis; Taylor, Kevin; Mills, Andrew
Cc: Foley, Patrick; Secrest, Cary; Fried, Gregory; Nowell, Valerie; Caballero, Kathryn
Subject: New Indy - term sheet/Appendix A further discussion if needed

When: Wednesday, November 3, 2021 1:00 PM-1:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Hi All,

I am scheduling this time to go over the term sheet/Appendix A that we discussed yesterday afternoon and the revised draft that I shared this morning (attached as a SharePoint doc again for convenience). I want to make sure I capture all of your comments/concerns.

Thanks!
Marirose

Microsoft Teams meeting

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Message

From: Pratt, Marirose [Pratt.Marirose@epa.gov]
Sent: 11/9/2021 9:48:08 PM
To: Cobery, Jim [JimC@TheKraftGroup.com]; Stephanie Blackman [sblackman@schwarzpartners.com]; Sparks, Mallory S. [mallorysparks@parkerpoe.com]; Weber, Steven D. [steveweber@parkerpoe.com]
CC: Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; O'Rourke, Steve (ENRD) [Steve.O'Rourke@usdoj.gov]; Valenzuela, Johanna (USASC) [Johanna.Valenzuela@usdoj.gov]
Subject: New Indy EPA's 2d draft CD and first draft Appendix A
Attachments: Comparison of EPA's 10-7-21 1st CD draft to 11-9-21 2nd CD draft.docx; 11-9-2021_EPA 2d draft CD_Clean.docx; 11-9-21 Draft Appendix A - Work to be Performed.docx

Good afternoon,

Please find attached a revised clean draft of the consent decree, as well as a redline that compares this draft to EPA's first draft from October 7, 2021. The redline shows the changes we've made in response to New Indy's proposed edits from October 27, 2021, as well as a few other minor changes (revisions to add CDX to paragraph 71, removing the reference to FLU in paragraph 10, and updating the cross-reference in paragraph 33 to paragraph 22 rather than 20). It also includes comment bubbles explaining why EPA accepted or rejected some of New Indy's proposed edits. If we did not accept a proposed change and there is no comment bubble, it is because the proposed change would have altered standard model language and New Indy did not provide a case-specific reason for why the proposed change should be made.

I've also included a new draft Appendix A. This document is intended to take the place of the term sheet we've been negotiating. We've included a few comment bubbles to explain/point out any substantive differences from the term sheet.

Please let me know if you have any questions.

We look forward to hearing from you soon.

Regards,
Marirose

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