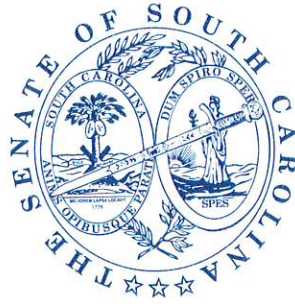


MICHAEL JOHNSON
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January 26, 2022

Assistant Attorney General
United States Department of Justice - ENRD
PO Box 7611
Washington, DC 20044-7611

Dear Assistant Attorney General:

I have read with great interest the Consent Decree between the Environmental Protection Agency ("EPA") and New Indy Containerboard - Catawba ("New Indy"). While the Decree is a good first step, it fails on several points to protect the people of Indian Land, Fort Mill, Lancaster County and York County. At this time, I would urge the EPA to reconsider the Consent Decree and address the issues laid out below.

My first concern is that the Consent Decree will not bring New Indy into compliance with the Clean Air Act, or any other provision of federal, State, or local laws, regulations or permits. The Consent Decree as written falls short of providing the necessary protections to the people surrounding the plant, and will ultimately lead to New Indy disregard their responsibilities and continuing to pollute our community. In an internal EPA memo the Agency has admitted as much, stating that "These impacts may go on until they (New Indy) either reduce operating rate to match condensate production to stripper capacity or install additional stripper capacity." Despite this acknowledgment, the EPA failed to require either in the Consent Decree.

A prime example of this is that the Consent Decree fails to require any monitoring of Hydrogen Sulfide in the community. The complaints that have been filed with the EPA and the South Carolina Department of Health and Environmental Control ("DHEC") cover 300 square miles. The Consent Decree limits the "monitoring" to only 30 square miles - which ignores the vast majority of complaints. Additionally, the monitoring as prescribed in the Consent Decree fails to place monitors along the west, northwestern, and southwest fence line of New Indy.

Another shortfall of the Consent Decree is that it fails to enforce prior Orders of the EPA. On May 13, 2021, the EPA required New Indy to conduct a toxicological assessment, yet, no such assessment has been performed, and if it has been performed it has not been made public.

In addition to these issues, I am requesting that the EPA add the following provisions to strengthen the Consent Decree and protect the citizens of South Carolina:

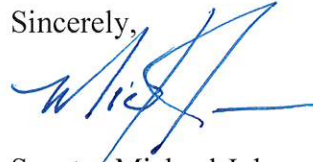
1. Add a second primary clarifier of equal size to the current primary clarifier;
2. Eliminate sludge dewatering in the equalization basin ("EQ Basin") and line the EQ Basin;
3. Add a second Aerated Stabilization Basin ("ASB") and line the existing ASB;
4. Prepare for closure of sludge lagoon number four and design, permit and construct a new lined sludge lagoon;
5. Test all holding lagoons for leakage and reline as needed;
6. Test emissions from the Wastewater Treatment Plant ("WWTP") using actual, measured emissions, controlled and uncontrolled, from the basins and lagoons, as well as from the sludge pile;
7. Apply for a retroactive Prevention of Significant Deterioration ("PSD") permit for physical changes to the operation of the plant;
8. Even if New Indy does not require a PSD permit since the steam stripper is now operational, require New Indy to do a Best Available Control Technology ("BACT") analysis as injunctive relief for having violated the PSD permit requirements;
9. If the BACT analysis requires the use of a second steam stripper, require New Indy to add a second steam stripper that has sufficient capacity to treat all of the foul condensate; and
10. Require the placement of 18 fence line monitors around the plant, and 25 monitors in the community to continuously monitor for Hydrogen Sulfide and Total Reduced Sulphur Compounds (TRS) constituents.

Without these much needed changes, the EPA will vacate this environmental space leaving the people of Lancaster and York counties in the same position it found them in, dealing with odors and toxins that cause sickness and a loss of the enjoyment of their property and life. I cannot imagine that the EPA will abandon this area, especially after it has dedicated resources to fix this ongoing problem.

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As the State Senator for over 135,000 people, all within the area affected by New Indy, I urge the EPA to adopt the changes laid out in this letter and insure that New Indy not be rewarded for their bad behavior.

Sincerely,



Senator Michael Johnson
District 16 - Lancaster and York Counties

MJ/sb

cc: The Honorable Ralph Norman
Director of DHEC
Myra Reese, DHEC