Public Comments and EPD Responses on Draft NPDES Permit
Graphic Packaging International, LLC – Permit No. GA0002801

COMMENTS RECEIVED	**EPD RESPONSE**
Graphic Packaging is part of the food-service and consumer packaging industry with the Augusta Mill supplying bleached paperboard for use in those applications. These consumer products are known to incorporate per- and polyfluoroalkyl substances (PFAS). Because the facility uses an industrial process that may result in the discharge of PFAS we urge Georgia EPD to take a close look at the wastewater discharged to Georgia's waters from the Augusta Mill. As required by the Clean Water Act (CWA), EPD must require the disclosure of any PFAS in the Facility's discharge. If Graphic Packaging were to discharge PFAS and fail to disclose it in its NPDES permit application, it would violate the CWA. EPD would not have the information it needs to make a fully informed decision to issue the permit and the public would not have adequate information to meaningfully comment on it. The EPA Environmental Appeals Board's decision in *In re: Ketchikan Pulp Company* further emphasized the importance of disclosure,[20] and this decision has been adopted by at least one Federal Court of Appeals. In *Piney Run Pres. Ass'n v. Cty. Comm'rs of Carroll Cty., Maryland,* the Fourth Circuit held: The *Ketchikan* decision therefore made clear that a permit holder is in compliance with the [Clean Water Act] even if it discharges pollutants that are not listed in its permit, as long as it only discharges pollutants that have been adequately disclosed to the permitting authority. [...] *To the extent that a permit holder discharges a pollutant that it did not disclose, it violates the NPDES permit and the [Clean Water Act].*[21]	PFAS are emerging pollutants of concern and significant resources are currently being employed at the national and state levels to develop multi-media and multi-program research and risk communication plans to address PFAS. As this response to comments document is being drafted, US EPA has not promulgated national instream water quality criteria, nor is there an EPA-approved analytical test method for PFAS in wastewater; furthermore, the State of Georgia does not have a water quality standard for PFAS. EPD continues to stay engaged and is following US EPA's progress as it evaluates all emerging pollutants, including PFAS as it relates to discharges from point sources to surface waters. EPD initiated a new, targeted PFAS monitoring project in the winter of 2021. The project's primary goal is to fulfill EPD's mission to protect human health and the environment by assessing the level of PFAS contamination in drinking water and drinking water sources across Georgia. EPD will also conduct targeted PFAS source monitoring as resources are available. To learn more about this class of chemicals and EPD's ongoing investigation, please visit our website for more information: https://epd.georgia.gov/pfoa-and-pfos-information In response to the comments received during the public comment period, EPD reached out to the facility. On June 25, 2021, the facility certified it does not use PFAS in their processing or manufacturing and that the facility does not have reason to believe PFAS would be present in the process wastewater due to contact with any raw materials, intermediate products, finished products,

COMMENTS RECEIVED	**EPD RESPONSE**
EPD must require Graphic Packaging to disclose any discharges of PFAS in the company's permit application.	byproducts, or waste products (see Appendix K of this permit fact sheet for certification statement). Therefore, based on the information provided by the facility, EPD has not identified PFAS as a pollutant of concern for this facility and no effluent limits have been included in the permit
If the Graphic Packaging Augusta Facility is discharging PFAS, EPD must impose appropriate conditions, treatment methods, and effluent limits in the NPDES permit. The CWA requires permitting agencies to incorporate technology-based and water quality-based effluent limits on the discharge of pollutants. There are available technology-based limits to reduce the discharge of PFOAs from industrial wastewater.	As mentioned above in our responses and based on the information provided by the facility, PFAS is not believed present in the discharge, and therefore was not identified as a pollutant of concern and no effluent limits have been included in the permit. EPA recently issued its *Effluent Guidelines Program Plan 14* [EPA-821-R-21-001], fulfilling its requirements at Section 304(m) of the CWA to biennially publish a plan for new and revised effluent limitations guidelines. As part of this plan, EPA has indicated its intent to conduct a Multi-industry Detailed Study of industrial PFAS use, treatment and discharges to surface water and POTWs focusing on five point source categories: PFAS manufacturers, pulp and paper manufacturers, textile and carpet manufacturers, airports, and metal finishers. EPA has indicated that further study is required prior to initiating any revised federal rulemaking.

In addition to analyzing technology-based effluent limits, EPD must ensure that Georgia water quality standards will not be violated by the discharge. If there is a "reasonable potential" that water quality standards will be exceeded, EPD must include water quality-based effluent limits in the permit as well. Georgia water quality standards provide: "All waters shall be free from toxic, corrosive, acidic and caustic substances discharged from municipalities, industries or other sources, such as nonpoint sources, in amounts, concentrations or combinations which are harmful to humans, animals or aquatic life." Ga. Comp. R. & Regs. 391-3-6-.03(5)(e). As discussed above, PFAS are known to harm human health, and they certainly qualify as toxic substances under state law. Hence, should Graphic Packaging's Macon Facility be found to discharge these pollutants to Georgia's waters, appropriate conditions must be imposed to eliminate, or at least minimize these discharges. This process begins with disclosure and monitoring for PFAS, and the instant Permit renewal provides EPD with an opportunity to engage in this important work.	As stated above in our responses, based on information provided by the facility, PFAS is not believed present in the discharge and therefore was not identified as a pollutant of concern, hence no effluent limits have been included in the permit