

June 19, 2006

Mr. David Paylor, Director
Virginia Department of Environmental Quality
P. O. Box 10009
Richmond, VA 23240

Re: Kathleen S. Kilpatrick Letter of June 14, 2006, Regarding
Columbia Forest Products Draft Air Permit, Registration No. 30120
Town of Chatham, Pittsylvania County, Virginia
DHR File No. 2006-0144

Dear Mr. Paylor:

The above-referenced letter from Ms. Kilpatrick, which includes a finding of "No Adverse Effect to historic properties" **does not address the specific adverse effects enumerated** in our February 24 Public Comment to your office on the draft permit, our related February 25 follow-up to EPA-Philadelphia, and our variously-dated appeals to EPA-Philadelphia regarding enforcement of Section 106 of the National Historic Preservation Act. Ms. Kilpatrick's letter also contains **significant factual errors which apparently originated from your office**, since as far as we know she has not visited our neighborhood, and she refers to a visit from you and Mr. Armistead, and your letter. Those errors apparently are the bases for her (thus questionable) decision.

Following are portions of Ms. Kilpatrick's letter, with our replies interspersed.

"Both increased noise and emissions have the potential to alter the setting of historic properties and, if associated with a covered permit action under consideration, would meet the criteria of adverse effect as defined in the regulations implementing the Section 106 review process. On the basis of the information shared at our meeting and presented in your letter, however, it appears that the pre-existing conditions may actually be improved by the proposed changes related to the permit action."

We are pleased that **Ms. Kilpatrick acknowledges Section 106 applicability** regarding noise and air quality intrusions. However, **we reject the *fait accompli* term "pre-existing conditions"** under these circumstances. After decades of relative unobtrusiveness and happy coexistence, since the 2001 fire at the plant rapid changes in equipment and processes have occurred which have made life in the neighborhood very difficult. It has been our contention that those changes were not and are not properly permitted or reported, as the written records document; and these **detrimental changes are not addressed but exacerbated in the present draft permit**. Neither the past nor the present permit acknowledges or includes massive emissions that are obvious to residents but are unacknowledged by both the plant and DEQ. The permits also do not reflect plant expansions of production and changes of processes that have

been announced in the media and discussed by plant personnel and contractors. (DEQ officials, including your predecessor Mr. Burnley, have advised us on several occasions that for permitting processes the plant is on "the honor system;" that the plant's environmental consultants in Oregon are considered the authority on these matters; and that DEQ does not inspect or include in its oversight anything without prior documentation and invitation from the company. It therefore appears to us that either the public discussions of the factory's operation or the plant's air permits are not based on the actual operational scenario.) Furthermore, since residents began seeking assistance, DEQ officials have failed to seek redress of these problems, all of which appear to be correctable by application of basic engineering practices.

"In particular, we note that DEQ anticipates that replacement of the facility's single existing boiler with a larger boiler will reduce the incidence of excessive smoke that has been observed from the current boiler."

It would of course be laudable if smoke is diminished by the new boiler. However, in this case **attention merely to the smoke** would be a narrowly-focused, perhaps merely cosmetic, reaction to a dangerous symptom, **rather than a correction of the underlying problem.**

The presence of heavy, bitter, particle-laden smoke with odors imitating poultry manure, rotten fish, burning tires, and sundry other objectionable variations, indicates **incomplete burning of the plastic resins and finishes** which make up approximately 10% of the wastes burned at the plant. Incomplete burning of these plastics produces **cyanides, formaldehyde, acrolein, and numerous other dangerous and randomly-formed chemical byproducts.** Rather than hope for a reduction in smoke, it is necessary that the underlying process be corrected and made verifiably safe. (One does not "correct" an unsafe driver by replacing his jalopy with an Indy racer.)

Normally in other jurisdictions such waste material (**plastics among woodwastes**) is deemed "**treated wood**" and its **burning in this manner is not permitted.** Earlier versions of this plant's air permit did not permit such burning, but DEQ officials chose to redefine this "treated wood" as being merely "woodwastes," thus assumed to be pure wood and with no restrictions on its disposal. A large percentage of the woodwaste fuel at this facility is also generated by the chipping and disposal of used shipping pallets; normally this, too, is not considered safe for disposal as pure wood, because its possible contaminants are indeterminate and unverifiable.

Since the dangerous byproducts of plastics burning are always accompanied by elevated levels of carbon monoxide, a **minimal safety mechanism** on such burning is to require **carbon monoxide monitoring** as an indicator of the presence of the dangerous emissions, thus alerting the boiler operators to adjust the process to correct it. **DEQ has rejected this normal and reasonable requirement for this proposed new boiler.** Since the new boiler will be burning at nearly twice the capacity of the old one, the likelihood exists that nearly a **million pounds of**

plastics per year will be burned, with corresponding significant increase of danger to nearby residents.

“Further we note that the current draft permit would establish the minimum stack height for the new boiler at an elevation of approximately 30 feet higher than the current stack. It is therefore predicted that the ground level concentration of emissions will be reduced due to the greater dispersion provided by the increase in stack height.”

The draft permit furnished to us and as discussed in detail by Jed Brown of the Lynchburg DEQ shows the **stack height to be the same as before**, but effectively raised in height by **seven feet by moving it uphill**, rather than raised by thirty feet as stated above.

The present stack is forty feet high. **Facility equipment surrounds it and towers above it, as do surrounding hills and trees, preventing its proper dispersion of smoke.** Plus, the stack top is **20 feet below the ground level of nearby houses and 80-120 feet below ground level of the main portions of town.** The valley is almost constantly affected by a **overlying temperature inversion** (air layer) approximately level with the surrounding hilltops, forcing the emissions from the boiler to be trapped within the neighborhood and town.

Either a seven-foot increase in stack height or a thirty-foot increase would be negligible under these particular circumstances. **A standard 65-meter stack (Virginia Administrative Code 5-10-20, criteria 1 and 2) would appear to be a reasonable solution**, but even that does not negate the need for carbon monoxide monitoring of the burning of the plastics.

During an informational meeting in Chatham during early 2004, David Miles of the Lynchburg DEQ office responded to a local citizen's question by saying that the present short stack is a significant design problem, and that if the boiler ever were replaced, a much higher stack would be required to get the exhaust out of the valley and town. However, he and the other Lynchburg DEQ personnel present (Craig Nicol, Allen Armistead, Tom Henderson), characterized the World War I - era boiler at the factory as “state-of-the-art,” and having no need of replacement in the foreseeable future (yet, obviously, that replacement is now the focus of the draft permit being considered!).

“In addition, [1]although DEQ does not measure noise levels, it is felt that [2]the greater combustion efficiency of the larger boiler will also serve to reduce the noise levels that have been the subject of complaint by the community. Finally, we note that you have indicated that the [3]permit action will not lead to increased plant operations or traffic that might alter noise, vibrations, or light levels in the vicinity of the plant.” [Numeration is added for the sake of correlation below.]

1. It may be true that DEQ does not *now* measure noise levels, but it seems that in order for DEQ to carry out the provisions of Section 106 of the National Historic Preservation Act, it is necessary for EPA and/or DEQ to measure noise levels.

2. We are advised that the **boiler and stack design contained in the draft permit is actually likely to significantly increase noise**, for the following reason: capacity is nearly doubled, and the stack diameter is significantly smaller. As a result, the **rush of vented gases through the pipe will be much more intense** than it is in the old stack. At times, apparently depending on air temperatures and fan speeds, the current stack's "coke-bottle hum" can be heard all over town (but not at the plant, because it propagates upward from the stack).

But the **greatest noise source**, and the main reason for citizen complaints, is **not the boiler** and its vent stack, but the **dust collection system** which feeds it, which with the passage of time, increase of capacity, and removal of sound-abating features, is becoming ever deeper, louder, and more penetrating. Concurrently with the construction for this permit (which we have both been advised and can see has apparently been in progress for over a year), the plant's overall noise has increased to the point that it forced the closure of the nearby bed and breakfast in January, and residents from distant parts of the town are complaining of the worsening conditions of the last few months.

3. **Contrary to Ms. Kilpatrick's above statement**, the draft permit specifically includes the addition of a **new steam turbine generator unit** and a **larger chipper**, both of which most likely **indicate significant new noise**. The draft permit specifically states that the new chipper will operate at a **lower frequency**. Although a lower frequency may lower the decibel measurement in the immediate operating area within the factory, lower frequencies by definition **travel farther, penetrate more, and die out much more slowly** than higher-frequency noise, thus are the source of noise problems for the community. (Think of the booming, vibrating bass from a passing vehicle's sound system.) It is the factory's low-frequency dust collection system which now can be heard for miles. The higher-frequency noises die out more quickly in the vicinity of the plant as they are propagated outward into the community. Of further concern is that **all of these new, increasing, and proposed noise sources at the plant generate continuous pure tones**, which also propagate and penetrate farther and are more disruptive to human activity and health than are the more random types of noise. (Modern noise monitoring and abatement techniques handle both the loudness and pure-tonality factors by means of **"bandwidth" measurements and standards.**)

In response to our questioning, several members of the **DEQ's Lynchburg office** have advised us that **yes, it is reasonable to expect significant additional noise from the new equipment**, but noise is not their concern.

"The proposed changes include a new building to house the new boiler and a new fuel storage silo. [1]As the new construction will be located on the same plant property as the existing manufacturing site, we do not consider that any intact archaeological sites will be affected. [2]Based on the photographs accompanying your letter, it also does not appear that there will be any significant changes related to visual effects from the new construction or from the increased stack height on the district or on other historic properties in the plant vicinity."

1. It is true that the new construction has already occurred on the same plant property, in close proximity to previously-existing buildings, and pose no problem to any known archaeological sites.

2. However, this **statement referring to the photographs** is staggeringly simplistic and an **exact reversal of our actual concerns** regarding intrusion, detailed in our previous submissions. The **photographs** referred to were **extracted from a larger series** which we provided to DEQ to show the **inappropriate position of the proposed boiler stack**. Because it is hidden **behind and below buildings, hills, and trees which prevent proper air flow, and far below the restrictive air layer above the valley**, the proposed new boiler stack will be unable to properly disperse its plume. The resulting pollutants are a major health and safety, as well as aesthetic, problem. To **raise the stack to a level that it could be seen but function properly** would be a minimal and **welcomed "intrusion,"** considering the extraordinarily negative alternative.

"In summary, then, [1]based on the information shared at our meeting and presented in your May 22 letter, it appears that the proposed changes may be an environmental benefit as relates to pre-existing conditions at the plant. Accordingly, our recommendation must be a finding of No Adverse Effect to historic properties. We do, however, [2]recommend monitoring of noise, emission, light and vibration levels at Columbia Forest Products at intervals of six months and one year following completion of the proposed changes."

1. We suggest strongly that **since the information received was extensively factually incorrect**, the **finding of No Adverse Effect** is obviously **inappropriate** to the situation.

2. As previously mentioned, as far as we have been able to determine DEQ does not monitor anywhere or at any time for noise, light, and/or vibrations levels, although it would seem such monitoring would be necessary on occasion for carrying out Section 106 responsibilities. Regarding emission monitoring, our local experience with DEQ's efforts is abysmal, as illustrated by the following.

Because of our concerns regarding both the previously-mentioned boiler stack emissions and strongly corrosive, dizzying, heavier-than-air emissions from the plant's finishing department vents, we requested monitoring from DEQ. After months of advising us that monitoring was impractical and monitors too expensive to be diverted for this purpose, Lynchburg DEQ

positioned the two pieces of equipment on Judge Watson's property near the factory on July 15, 2004. The monitors were then idle until October and November 2004 when they were activated periodically by DEQ on a pre-programmed basis, and then the lab results did not include about 40 target compounds normally evaluated (including those we had requested related to plastics burning). The monitors were never running during actual periods of smoke and odor inundation.

Judge Watson requested permission on November 21, 2004 for permission to trigger the devices during periods of actual smoke and odor inundation. Kathy Frahm of the Richmond DEQ office denied his request in early December 2004. The monitors then sat idle in his back yard for 16 months until they were removed in March 2006. We still do not have an analysis of boiler smoke emissions, and we still do not know the identity of the continuing emissions from the finishing department vents.

We agree that **monitoring will be needed**, but based on our above experience it seems evident that it **must be accomplished by an impartial agency, rather than DEQ.**

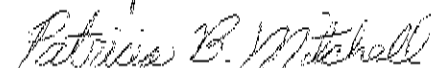
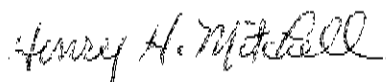
"If I may comment on a matter that is beyond the limited scope of the current permit action, it is apparent that community relations are strained. I hope you will take the opportunity to encourage the company and residents to work together to address issues of concern."

We believe that it is quite possible for relations between the company and residents to be healed, as we coexisted happily for decades. The **much greater challenge involves the loss of residents' trust of the DEQ**, because of what is perceived to be a long progression of misinformation, disinformation, and diversionary tactics on the part of DEQ staff toward the citizens, the latest example of which is the above incorrect, incomplete, and misleading information passed to Ms. Kilpatrick at the Department of Historic Resources. We look forward to more open and straightforward dealings from your organization in the future.

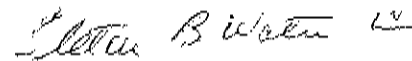
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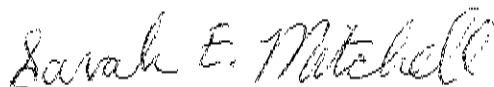
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