



clean air    clean water    clean georgia

August 5, 2004

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

CT Corporate System  
Registered Agent for SP Recycling Corporation,  
SP Newsprint Company and SP Newsprint Sales  
1201 Peachtree Street  
Atlanta, Georgia 30361

Mr. Jack Carter  
Mill Manager  
SP Newsprint Company  
709 Papermill Road  
Dublin, Georgia 31027

RE: Sixty-Day Notice of Intent to Sue the SP Newsprint Company, SP Recycling Corporation and SP Newsprint Sales for Violations of the Clean Water Act

To Whom it May Concern:

Pursuant to Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), Altamaha Riverkeeper, Inc. ("Altamaha Riverkeeper") hereby gives notice of its intent to commence a legal action in United States District Court against the SP Newsprint Company, SP Recycling Corporation and SP Newsprint Sales (hereinafter collectively referred to as "SP Newsprint") for violations of the Clean Water Act, 33 U.S.C. 1251 et seq., Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., and the rules and regulations promulgated pursuant to each of these Acts. These violations are related to discharges from the SP Newsprint's facility located at 709 Papermill Road, Dublin (Laurens County), Georgia 31027.

Altamaha Riverkeeper is a non-profit environmental organization dedicated to protecting and restoring the habitat, water quality, and flow of the Altamaha River from its headwaters in North Georgia to its terminus at the Atlantic Ocean near Darien. ARK represents over 1,000 members who live, work, and recreate in the Oconee, Ocmulgee, and Ohoospee River Basins and their feeder streams that make up the Altamaha River Watershed. The Altamaha Riverkeeper is located at P.O. Box 2642, Darien, Georgia, 31305, (912) 437-8164. All communications, however, should be directed as described at the close of this letter.

The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources has issued National Pollutant Discharge Elimination System (NPDES) Permit, Number GA0032620, to SP Newsprint for its Dublin Mill. This permit authorizes SP Newsprint to discharge wastewater into the Oconee River subject to certain effluent limitations, monitoring requirements, operating requirements and other conditions.

Upon information and belief, SP Newsprint has continuously failed to comply with the terms of its NPDES Permit as well as, the Clean Water Act, the Georgia Water Quality Control Act, and accompanying regulations. In this action, Altamaha Riverkeeper will allege that SP Newsprint has and continues to violate the terms of its NPDES Permit, the Clean Water Act, the Georgia Water Quality Control Act, and accompanying regulations by failing to comply with the effluent limitations, monitoring and reporting requirements, and operation and maintenance requirements set forth in its NPDES Permit and that there exists a reasonable likelihood that it will continue to do so in the future.

Specifically, upon information and belief, these violations include, but are not limited to, the discharge of brown effluent, visible pieces of plastic material and paper as well as floating solid material and fecal matter, resulting in a noticeable and offensive film on the surface water and offensive sewage odor. Altamaha Riverkeeper alleges that these violations have occurred on the following dates as well as each and every day in between:

- |                  |                 |                 |
|------------------|-----------------|-----------------|
| - August 3, 2004 | - July 19, 2004 | - June 14, 2004 |
| - July 30, 2004  | - July 13, 2004 | - May 31, 2004  |
| - July 29, 2004  | - June 18, 2004 | - May 30, 2004  |

Such violations and any consecutive violations may be included in future legal actions by Altamaha Riverkeeper.

In light of the aforementioned violations, this letter constitutes Notice of the Intent to Sue pursuant to Section 505(b) of the Clean Water Act, 33 U.S.C. §1365(b). With this letter, Altamaha Riverkeeper provides notice to you, the United States Environmental Protection Agency, and the State of Georgia, of its intent to file a citizen suit under Section 505 of the Clean Water Act, 33 U.S.C. §1365, against SP Newsprint for each permit violation described above, including those which may be currently unknown and those occurring after termination of the sixty (60) day notice period. Please be advised that Altamaha Riverkeeper intends to commence this action at the close of the sixty (60) day notice period if these violations are not abated and necessary action taken to provide reasonable assurance that such violations will not recur. In such an action, Altamaha Riverkeeper intends to seek injunctive relief, civil penalties of up to \$27,500 per day per violation, recovery of litigation expenses including attorneys' fees and other litigation expenses, and other relief as may be appropriate.

If you have reason to believe that your facility is exempt from the requirements of the law, the permit, and relevant regulations, has complied with all such statutes, permits, and regulations, or otherwise has a defense to liability, please advise us of the specific basis for your exemption, compliance, or defense.

During the sixty (60) day notice period, we will be available to discuss effective remedies and actions and the possibility of resolving this matter without litigation, as well as any facts you believe are

incorrectly set forth in this notice letter and other relevant facts not itemized above. As previously mentioned, all correspondence regarding this matter should be directed as follows:

Kasey Sturm / Justine Thompson  
Georgia Center for Law in the Public Interest  
175 Trinity Avenue, SW, Atlanta, Georgia 30303  
404.659.3122 (voice)  
404.688.6703 (fax)

Please feel free to contact either Kasey Sturm or Justine Thompson regarding this matter at 404.659.3122 or via email at [ksturm@cleangeorgia.org](mailto:ksturm@cleangeorgia.org) or [jthompson@cleangeorgia.org](mailto:jthompson@cleangeorgia.org). Thank you for your time and consideration in this important matter.

Sincerely,

Kimberly Ann Sturm (Kasey)  
Staff Attorney

Justine Thompson  
Executive Director

Cc: Michael O. Leavitt– via certified mail  
Administrator  
U.S. Environmental Protection Agency  
Environmental Protection Agency East  
1201 Constitution Avenue, N.W.  
Washington, DC 20004

J. I. Palmer Jr. – via certified mail  
Regional Administrator  
U.S. Environmental Protection Agency  
Region IV  
61 Forsyth Street  
Atlanta, GA 30303

Honorable John Ashcroft – via certified mail  
U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Noel Holcomb – via certified mail  
Commissioner-Elect  
Georgia Department of Natural Resources  
205 Butler Street, S.E.  
Atlanta, GA 30334

Dr. Carol Couch – via certified mail  
Director  
Environmental Protection Division  
Georgia Department of Natural Resources  
205 Butler Street, S.E.  
Atlanta, GA 30334