

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2006-0128
AMENDED ORDER NO. R5-2003-0155

REQUIRING SIERRA PACIFIC INDUSTRIES,
SHASTA LAKE DIVISION
TO CEASE AND DESIST

FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region (hereafter referred to as Central Valley Water Board), finds:

1. On 17 October 2003, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2003-0154, (NPDES No. CA0081400) for Sierra Pacific Industries, Shasta Lake Division (hereafter Discharger). The WDRs regulate the discharge of log deck runoff water to a tributary of Churn Creek, a tributary of the Sacramento River.
2. The WDRs include final effluent limitations for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate as contained in Section B.1, which reads as follows:

"1. The discharge of wastewater to the Churn Creek tributary in excess of the following is prohibited:

<u>Parameter</u>	<u>Unit</u>	<u>30-Day Average</u>	<u>Daily Maximum</u>
Cadmium (total recoverable)	ug/L	0.1	0.2
Copper (total recoverable)	ug/L	2.8	5.6
Lead (total recoverable) ¹	ug/L	0.8	1.5
Zinc (total recoverable)	ug/L	7.8	15.6
bis-2-Ethylhexylphthalate ¹	ug/L	1.8	3.6
Suspended Solids	mg/L	--	100
Settleable Solids	mL/L	0.1	0.2

¹ Final effluent limit. Interim effluent limits may supercede as described in this Order."

3. The Discharger cannot consistently comply with the final effluent limitations for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate.
4. On 17 October 2003, the Central Valley Water Board adopted Cease and Desist (C&D) Order No. R5-2003-0155 against the Discharger. The C&D Order provided interim effluent limitations for cadmium, copper, and zinc,

and required the Discharger to submit a compliance time schedule justification and take such actions necessary to comply with the final effluent limitations, or to submit acceptable justification for alternate final effluent limitations that the Discharger could comply with. The interim limitations were to expire three years from the date the C&D Order was adopted.

5. The WDRs provided interim effluent limitations for lead and bis-2-ethylhexylphthalate and required the Discharger to take such actions necessary to comply with the final effluent limitations, or to submit acceptable justification for alternate final effluent limitations that the Discharger could comply with. The interim limitations were to expire three years from the date the WDRs were adopted.
6. The Discharger partially complied with the C&D Order and the WDRs by submitting the compliance time schedule justification, by making operational improvements at the facility, by collecting data for a mixing zone/dilution study and a site specific metals translator study, and by submitting semi-annual progress reports. However, despite these measures, the Discharger is still unable to consistently meet the final effluent limitations. On 7 October 2006, the Discharger submitted a letter requesting an extension of the interim effluent limitations to allow an additional two years to complete the studies, and give Central Valley Water Board staff the time necessary to consider the Discharger's studies, prior to implementing the final effluent limitations. Early indications are that the studies may justify the use of a dilution credit and site-specific metals translators for recalculating the final effluent limitations.
7. Waste discharge requirements adopted for many other facilities in similar regulatory situations have provided compliance time schedules of five years. In consideration of this consistency issue, the Discharger's request, and the work completed by the Discharger thus far, this C&D Order No. R5-2003-0155 has been amended and extends for an additional two years (for a total of five years) a time schedule to allow the Discharger to come into compliance with the final effluent limitations contained in WDRs Order No. R5-2003-0154. This amended C&D Order contains interim effluent limitations for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate. The interim effluent limitations will expire when WDRs Order No. R5-2003-0154 expires.
8. Based on the above findings, the discharge represents a threatened discharge of waste in violation of WDRs Order No. R5-2003-0154.

9. In accordance with California Water Code (CWC) Section 13385 (j)(3), the Central Valley Water Board finds that, based upon the current wastewater management processes used at the sawmill, the Discharger is not able to consistently comply with the cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate final effluent limitations. The cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate final effluent limitations are new requirements that became applicable to the permit after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

Operational changes or treatment actions can be taken to correct the violations that would otherwise be subject to mandatory penalties under California Water Code section 13385(h) and (i), and the Discharger can take reasonable measures to achieve compliance within five (5) years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380.

California Water Code (CWC) Section 13385 (j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the California Water Code. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate limitations, in accordance with California Water Code (CWC) Section 13385 (j)(3).

10. On 8 December 2006, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider an amended cease and desist order to establish interim effluent limitations and a time schedule to achieve compliance with waste discharge requirements.
11. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 15321 (a)(2), Title 14, California Code of Regulations.
12. Any person adversely affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control

Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date in which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. Sierra Pacific Industries, Shasta Lake Division shall cease and desist from discharging, and threatening to discharge, contrary to Waste Discharge Requirements Order No. R5-2003-0154, Effluent Limitation No.1 for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate.
2. Sierra Pacific Industries, Shasta Lake Division shall comply with the following interim effluent limitations for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate. Effluent shall not exceed the following interim effluent limitations:

<u>Parameter</u>	<u>Unit</u>	<u>30-Day Average</u>	<u>Daily Maximum</u>
Cadmium (Total Recoverable)	ug/L	0.23	0.72
Copper (Total Recoverable)	ug/L	9.1	28.3
Lead (Total Recoverable)	ug/L	2.4	7.5
Zinc (Total Recoverable)	ug/L	85	264
Bis-2-Ethylhexylphthalate	ug/L	11.0	34.2

3. All analyses for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate, conducted for compliance purposes, shall be performed at a California-certified laboratory utilizing sampling protocols and analytical methods that achieve the following minimum levels (MLs) or lower:

<u>Parameter</u>	<u>ML</u>	<u>Unit</u>	<u>Method</u>
Cadmium	0.25	ug/L	ICPMS
Copper	0.5	ug/L	ICPMS
Lead	0.5	ug/L	ICPMS
Zinc	1	ug/L	ICPMS
Bis-2-Ethylhexylphthalate	5	ug/L	GCMS

4. The Discharger shall comply with the following compliance schedule:

<u>Item</u>	<u>Date</u>
Submit an acceptable Pollution Prevention Plan pursuant to CWC 13263.3.	15 July 2007
Submit semi-annual progress reports. Reports shall detail progress on physical improvements, pollutant minimization, and studies.	15 January and 15 July each year
Achieve compliance with final effluent limitations.	Upon expiration of WDRs Order No. R5-2003-0154

5. The interim effluent limits provided above shall be applicable until the expiration of WDRs Order No. R5-2003-0154. As stated in WDRs Order No. R5-2003-0154, the Central Valley Water Board may reopen the Order and modify the final effluent limits if appropriate, based on results of studies the Discharger may conduct.
6. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability. Additionally, the interim effluent limitations in this Order may be revoked, and the final limits contained in Order No. R5-2003-0154 will immediately become fully applicable.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 8 December 2006.

PAMELA C. CREEDON, Executive Officer