

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2005-0015

Mandatory Minimum Penalties

For

Violation of NPDES Requirements

Order No. R1-2002-0031

NPDES No. CA0024171

WDID No. 1B83056OMEN

In the Matter of

Harwood Products, Inc

Branscomb Sawmill

and

Woodwaste Disposal Site

Class III Waste Management Unit

14210 Branscomb Road, Branscomb

For

Failure to File Five Monthly Monitoring Reports in a Timely Manner

Mendocino County

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) Section 13385(h) and 13385.1 is issued to the Harwood Products, Inc. (hereinafter Permittee) based on a finding of failure to timely submit five discharger monitoring reports required pursuant to CWC Section 13383 as prescribed by Order No. R1-2002-0031 (NPDES No. CA0024171) and the associated monitoring and reporting program.

The Executive Officer of the Regional Water Quality Control Board, North Coast Region (Regional Water Board) finds the following:

1. The Permittee operates a sawmill and woodwaste disposal site (hereinafter facility) located at 14210 Branscomb Road in Branscomb, California. The Permittee discharges to the South Fork Eel River at Discharge Serial No 001 (Latitude 39°39'20" N and Longitude 123°37'47" W) and at Discharge Serial No. 002 (Latitude 39°39'20" N Longitude 123°37'58" W). The water is susceptible of containing pollutants which can

degrade water quality and impact beneficial uses of water, and which are defined as pollutants under the federal Clean Water Act. The pollutants are discharged from the facility into the Eel River, a navigable water of the United States.

2. On May 16, 2002, the Regional Water Board adopted Order No.R1-2002-0031, which prescribes waste discharge requirements and serves as an NPDES permit (NPDES No. CA0024171) for the discharge of treated wastes from the facility to the Eel River.
3. Among the provisions in the Permittee’s waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit NPDES self-monitoring reports to the Regional Water Board pursuant to the authority of CWC Section 13383.
4. The Regional Water Board received the Permittee’s monthly reports as follows:

Report Type	Due Date	Received	Total days late
Monthly	Jan. 1, 2004	July 1, 2004	182 days
Monthly	Feb. 1, 2004	July 1, 2004	151 days
Monthly	March 1, 2004	July 1, 2004	122 days
Monthly	April 1, 2004	July 1, 2004	91 days
Monthly	May 1, 2004	July 1, 2004	61days

5. CWC Section 13385(h) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. CWC Section 13385.1(a)(1) identifies the failure to timely file a discharge monitoring report required pursuant to CWC Section 13383 for each complete period of 30 days following the deadline for submitting the report as a “serious violation.”

YOU ARE HEREBY GIVEN NOTICE THAT:

6. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty as follows:

Report Period	1 st Day of Violation	Mandatory Minimum Penalty
November 2003	January 31, 2004	\$18,000
December 2003	March 2, 2002	\$15,000
January 2004	March 31, 2004	\$12,000
February 2004	May 1, 2004	\$9,000
March 2004	May 31, 2004	\$6,000
Total		\$60,000

7. A hearing shall be conducted on this Complaint by ~~the~~ Regional Water Board within 90 days after service of this Complaint on the ~~Permittee~~ pursuant to CWC Section 13323. The Regional Water Board will hold a hearing on April 20, 2005, unless the Permittee waives the right to a hearing by signing and returning the waiver form attached to this Complaint within 30 days of ~~this~~ Complaint. By doing so, the Permittee agrees to pay the mandatory penalty of \$60,000 in full within 30 days of the date of this ~~Complaint~~.
8. Notwithstanding the issuance of the Complaint, the Regional Water Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements.
9. This enforcement action is exempt ~~from~~ the provisions of the California Environmental Quality Act (California Public Resources Code Section 21000 ~~et seq.~~) in accordance with California Code of Regulations, Title 14 Section 15321.
10. Regulations of the ~~U.S.~~ Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

Ordered by 
for Catherine E. Kuhlman
Executive Officer

February 15, 2005