

California Regional Water Quality Control Board  
North Coast Region

ORDER REQUIRING TECHNICAL INFORMATION  
PURSUANT TO WATER CODE SECTION 13267(b)

FOR

PACIFIC LUMBER COMPANY  
SCOTIA MILL  
SCOTIA, CALIFORNIA

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. The Pacific Lumber Company (Discharger) owns and operates a lumber mill in Scotia, California, immediately east of U. S. Highway 101, hereinafter the "Site" (Attachment A).
2. In 2004 a new settling pond (hereinafter "Pond") was constructed at the Site, in conjunction with the Discharger's new mill. Pacific Lumber Company staff completed construction of the Pond. The location of the Pond is within 100 yards of the Eel River.
3. The municipal water supply for Scotia is the Eel River. The intake for the municipal supply is located down stream of and in close proximity to the Pond.
4. The municipal supply for the City of Rio Dell is the Eel River. The intake for the municipal supply is also located down stream of the Pacific Lumber Company Scotia mill and the Pond.
5. On or about April 6, 2006, Regional Water Board received information concerning possible waste materials under the Pond. According to a civil complaint filed in Humboldt Superior Court by a former employee, and affirmed by telephone conversation with a current employee of the Discharger, waste materials were encountered during the construction of the Pond. The materials were or are reported to be shop residue, plastic garbage bags containing garbage, unmarked barrels with unknown contents, asbestos containing materials, and solid wood waste.
6. On April 7, 2006, Regional Water Board staff spoke with Pacific Lumber Company staff. Pacific Lumber Company staff affirmed that items were removed from the Pond area during construction of the Pond.
7. The following sections of the Porter-Cologne Water Quality Control Act authorize the Regional Water Board Executive Officer to make the following requirements for persons suspected of discharging waste that could affect the quality of waters within this region:

- Section 13267(a) - *“A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.”*
  - Section 13267(b) - *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste within its region...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.”*
  - Section 13267(c) - *“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”*
8. All of the technical reports required by this Order are necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled. More detailed information is available in the Regional Water Board’s public file on this matter.
  9. In light of the Discharger’s construction of a pond on a site that contains or contained unidentified and unreported waste materials, immediately adjacent to the Eel River, immediately upstream to two municipal drinking water supplies, among numerous other beneficial uses, the burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits to obtained therefrom.
  10. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.
  11. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to clean up or abate threatened or actual discharges as required by this Order is, pursuant to Water Code Section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged. Any person

discharging waste into navigable waters of the United States without waste discharge requirements is, pursuant to Water Code Section 13385(c), subject to administrative civil liabilities of up to ten thousand dollars (\$10,000.00) per day in which the discharge occurs plus ten dollars (\$10.00) per gallon of waste discharged, and may also be subject to criminal prosecution pursuant to Water Code Section 13387.

12. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code Section 13320 and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, any such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267(b) the Discharger shall:

1. By April 17, 2006, the Discharger shall submit to the Executive Officer any and all existing information concerning waste materials found or removed from the Pond Site, including but not limited to:
  - a) Memoranda, data sets, reports or other documents prepared by or for Discharger's staff or managers referencing or describing waste found or suspected at the Pond Site;
  - b) Any and all environmental site assessments conducted by Pacific Lumber Company or on behalf of Pacific Lumber Company that are associated with the planning and/or construction of the Pond;
  - c) Any and all photographs taken during construction of the Pond;
  - d) Any and all documents identifying or assessing all waste material and/or contaminants found or removed during construction of the Pond;
  - e) Any and all documents describing where any waste or contaminants removed from the Pond Site, including but not limited to, the location or locations where any such removed waste was disposed, if removed from Site.
2. By April 17, 2006, the Discharger shall submit to the Executive Officer all available aerial photographs of the area of the Pond dating back at least twenty-five years, in order to assist in determining the nature and extent of any waste materials that could still be located under the Pond site.
3. By April 21, 2006, the Discharger shall submit to the Executive Officer a report summarizing all available information about any and all waste or waste-related

contamination that was or is located at the Pond site, and what was done to abate that waste, regardless of whether this information was previously reduced to writing.

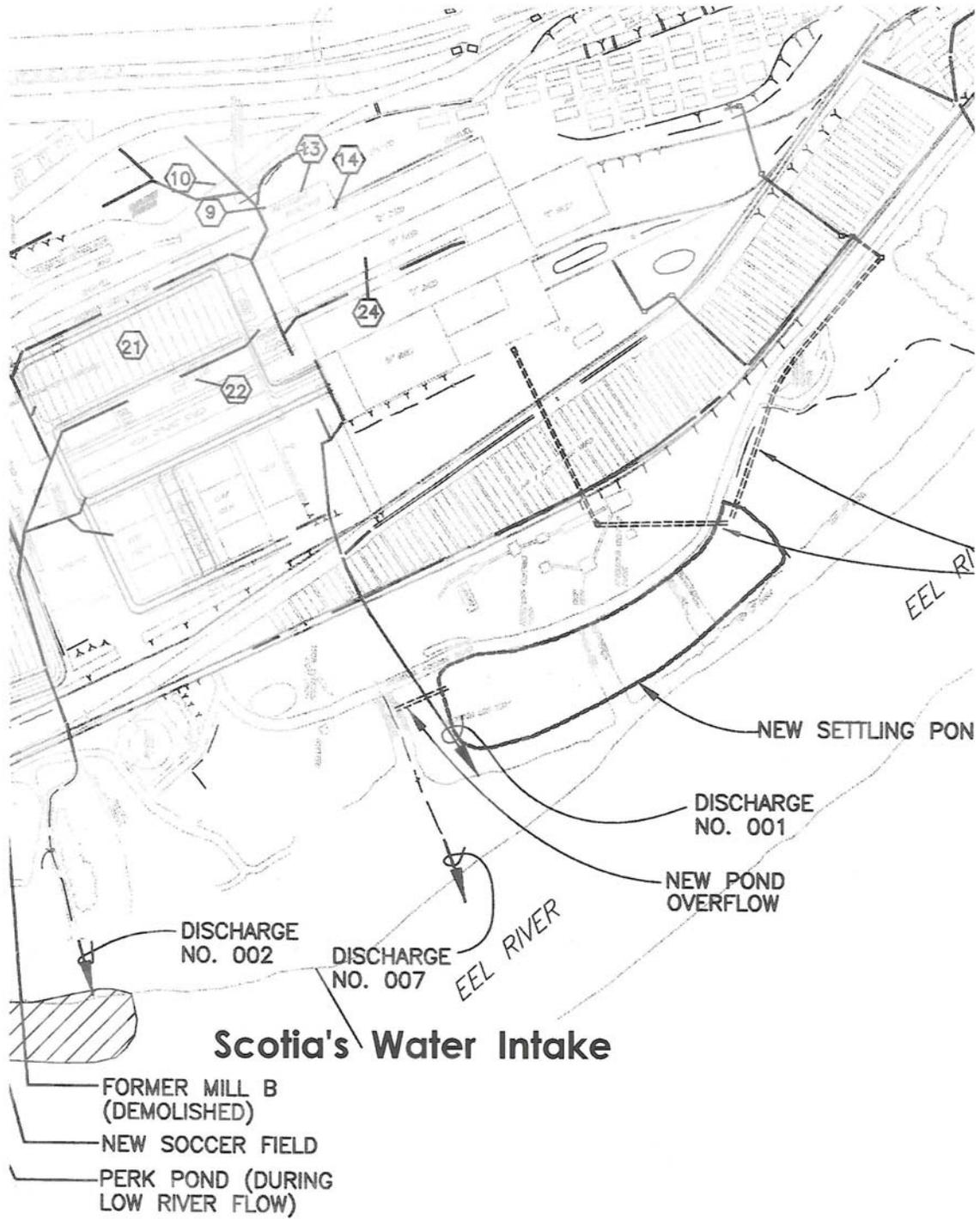
4. By April 21, 2006, The Discharger shall submit a workplan for the performance of a magnetometer survey of the complete surface area of the Pond, to help determine the existence and location of any remaining barrels or other waste materials.
5. The Discharger shall sample the water intake for the Scotia municipal supply for all dissolved metals including cyanide, inorganic chemicals detailed in Table 64431-A (Attachment B) of Section 64431 of Title 22 of the California Code of Regulation, organic chemicals detailed in Table 64444-A (a) (Attachment C) in Section 64444 of Title 22 of the California Code of Regulations, Total Petroleum Hydrocarbons as gasoline, Total Petroleum Hydrocarbons ad diesel, Total Petroleum Hydrocarbons as motor oil, and pentachlorophenol. The appropriate United States Environmental Protection Agency method for drinking water purposes will be used for laboratory analysis. The Discharges needs to use their Public Water System identification number with the laboratory. . The sampling results shall be due to the Executive Officer no later than May 17, 2006,
6. All of the above required information shall be submitted under penalty of perjury.

Ordered by \_\_\_\_\_

Catherine E. Kuhlman  
Executive Officer

April 10, 2006

# ATTACHMENT A



## ATTACHMENT B

Table 64431-A  
Maximum Contaminant Levels  
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.05
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Mercury	0.002
Nickel	0.1
Nitrate (as NO <sub>3</sub> )	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

# ATTACHMENT C

**Table 64444-A  
 Maximum Contaminant Levels  
 Organic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
<i>(a) Volatile Organic Chemicals (VOCs)</i>	
Benzene . . . . .	0.001
Carbon Tetrachloride . . . . .	0.0005
1,2-Dichlorobenzene . . . . .	0.6
1,4-Dichlorobenzene . . . . .	0.005
1,1-Dichloroethane . . . . .	0.005
1,2-Dichloroethane . . . . .	0.0005
1,1-Dichloroethylene . . . . .	0.006
cis-1,2-Dichloroethylene . . . . .	0.006
trans-1,2-Dichloroethylene . . . . .	0.01
Dichloromethane . . . . .	0.005
1,2-Dichloropropane . . . . .	0.005
1,3-Dichloropropene . . . . .	0.0005
Ethylbenzene . . . . .	0.3
Methyl- <i>tert</i> -butyl ether . . . . .	0.013
Monochlorobenzene . . . . .	0.07
Styrene . . . . .	0.1
1,1,2,2-Tetrachloroethane . . . . .	0.001
Tetrachloroethylene . . . . .	0.005
Toluene . . . . .	0.15
1,2,4-Trichlorobenzene . . . . .	0.005
1,1,1-Trichloroethane . . . . .	0.200
1,1,2-Trichloroethane . . . . .	0.005
Trichloroethylene . . . . .	0.005
Trichlorofluoromethane . . . . .	0.15
1,1,2-Trichloro-1,2,2-Trifluoroethane . . . . .	1.2
Vinyl Chloride . . . . .	0.0005
Xylenes . . . . .	1.750*