

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

CEASE AND DESIST ORDER NO. R1-2013-0009

REQUIRING THE **CALIFORNIA REDWOOD COMPANY – KORBEL SAWMILL**
TO CEASE AND DESIST FROM DISCHARGING OR THREATENING
TO DISCHARGE EFFLUENT IN VIOLATION OF
WASTE DISCHARGE REQUIREMENTS
ORDER NO. R1-2013-0008

NPDES NO. CA0005932
WDID NO. 1B80020OHUM

HUMBOLDT COUNTY

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

1. California Redwood Company, formerly known as Simpson Timber Company, (hereinafter Permittee) is the owner and operator of the Korbelt Sawmill (hereinafter Facility), a large-log sawmill where Redwood and Douglas Fir logs are used for lumber manufacturing. The Facility, in the community of Korbelt, Humboldt County, California is directly adjacent to the North Fork of the Mad River.
2. The Facility consists of an unpaved log yard, sawmill, planer mill with a chemical application process for wood surface protection, debarker, sorter, dry kiln, truck fueling and fuel storage areas, and equipment maintenance areas. Lumber, log storage yards, and lumber manufacturing operations occur on approximately 112 acres. Onsite operations include: wet and dry log decking and sorting, sawmilling, lumber planing, lumber drying in kilns, lumber storage and shipping, and by-product generation and management.
3. Storm water runoff and log-deck sprinkler water (process water) that has contacted raw materials, is conveyed from approximately 42 acres of log-deck and scale yard area, through ditches and culverts into the primary catch basins. At the log-deck and scale yard areas, four primary catch basins are used to remove the larger woody debris and the heavier sediment contained in the commingled process water runoff. The process water then flows into a larger concrete settling/stilling basin, prior to overflowing to a constructed wetland. The large concrete settling/stilling basin also receives storm water and process waters from the settling basin identified as Station 9. The settling basin has a valve that is opened during the wet season so the area can drain. During the dry months when operating, the valve is closed to prevent

discharging. The outlet from the settling/stilling basin is a 12-inch diameter perforated riser pipe with a control valve. From May 15 through September 30, the outlet valve is closed and discharge does not occur. The outlet pipe and valve were designed to limit the outflow from the basin to between 5 and 20 cubic feet per second (cfs). Additionally, the outlet riser is surrounded with a cylindrical screen, preventing debris larger than 1-inch from discharging to the constructed wetland.

4. Treated effluent from the constructed wetland discharges into a 5-foot diameter steel culvert, which transfers the water to a three-foot diameter perforated outlet culvert that discharges to the North Fork Mad River at Discharge point 001 at 40° 52' 22" N latitude, and 123 57' 35" W longitude.
5. The Facility has been regulated by Waste Discharge Requirements (WDRs), Regional Water Board Order No. R1-2002-0037, National Pollutant Discharge Elimination System (NPDES) No. CA0005932, WDID No. 1B800200HUM, adopted by the Regional Water Board on May 16, 2002. The permit expired on May 16, 2007, and was administratively extended since the Permittee submitted a Report of Waste Discharge for its permit renewal in a timely manner. Order No. R1-2002-0037 did not contain limits for copper or lead.
6. Regional Water Board Order No. R1-2013-0008, NPDES Permit No. CA0005932, is scheduled to be adopted by the Regional Water Board on May 2, 2013, and Order No. R1-2002-0037 is scheduled to be amended by the Regional Water Board, concurrently with this Cease and Desist Order (CDO). Order No. R1-2013-0008 and the amendment to Order No. R1-2002-0037 will both become effective on July 1, 2013. Order No. R1-2013-0008 establishes effluent limitations and monitoring for copper and lead, as well as discharge prohibitions, receiving water limitations, and compliance provisions.
7. Section 13301 of the California Water Code (Water Code) states "When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action."
8. The Permit, as identified in Findings 5 and 6 above, implements provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan) by requiring the

Permittee to monitor its effluent for certain CTR constituents that have reasonable potential to cause or contribute to an excursion above a water quality criterion or objective applicable to the receiving water (e.g., copper and lead) more frequently.

9. Pursuant to federal regulations at section 122.44(d)(1)(i), title 40 Code of Federal Regulations (CFR), NPDES permit effluent limitations must control all pollutants which are or may be discharged at a level which will cause or have the reasonable potential to cause or contribute to an in-stream excursion above any State water quality standard, including any narrative criteria for water quality. Beneficial uses, together with their corresponding water quality objectives or promulgated water quality criteria, can be defined per federal regulations as water quality standards.
10. Data collected during the term of Order No. R1-2002-0037 demonstrated reasonable potential for copper and lead to cause or contribute to an excursion above the copper and lead water quality criteria.
11. Order No. R1-2013-0008 establishes new effluent limitations for copper and lead. The Permittee will be required to evaluate the wastewater treatment system for removal of copper and lead.
12. Beginning July 1, 2013, the Permittee will be violating, or threatening to violate, the effluent limitations in Table 4 of section IV.A.1.a of Order No. R1-2013-0008 as shown below:

Final Effluent Limitations – Discharge Point 001

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Copper, Total Recoverable	µg/L	4.9	9.7	--	--
Lead, Total Recoverable	µg/L	1.5	2.9	--	--

13. On September 20, 2012, the Permittee submitted an Infeasibility Study Report for copper and lead which contains an analysis of the Permittee’s inability to immediately comply with copper and lead effluent limitations and identifies proposed actions and time frames to comply with final copper and lead effluent limitations. The Infeasibility Study Report includes a request for a compliance schedule and interim effluent limitations to complete monitoring and treatment

plant evaluations to determine the most effective way to comply with final effluent limitations for copper and lead at the same time.

14. Regional Water Board staff reviewed the Infeasibility Study Report and concurs with the Permittee's assessment that it is infeasible to comply with final effluent limitations for copper and lead at this time. Regional Water Board staff found that the Permittee's proposed compliance schedule is designed to bring the waste discharge into compliance with final effluent limitations for copper and lead in the shortest time frame possible.
15. This Order provides a compliance schedule for the Permittee to develop, submit, and implement methods of compliance, including developing and implementing pollution prevention activities or constructing necessary treatment facilities to meet the new effluent limitations for copper and lead.
16. Pursuant to Water Code section 13385(j)(3), mandatory minimum penalties (MMPs) will not apply to future violations of the final effluent limitations for copper and lead if:
 - a. A cease and desist order is issued on or after July 1, 2000, and specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to MMPs;
 - b. The Regional Water Board finds that the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge because the effluent limitation is a new or more stringent regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements, and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days;
 - c. The Regional Water Board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations, and where the time schedule exceeds one year, the time schedule includes interim requirements and actions and milestones leading to compliance; and

- d. The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Water Code section 13263.3.
17. The Permittee meets the requirements of Water Code section 1385(j)(3), and therefore, during the term of this Cease and Desist Order (CDO), no MMPs will be assessed for violations of final effluent limitations for copper and lead. Specifically, the Regional Water Board finds that:
 - a. The CDO is being issued after July 1, 2000, and specifies the actions the Permittee is required to take to correct the violations of the Permit, as set out in Findings 8 and 9 respectively, above.
 - b. Copper and lead effluent limitations are being newly applied to the Permittee in Order No. R1-2013-0008.
 - c. Requirement 1 of this Order establishes a compliance schedule for bringing the Facility into compliance with the final copper and lead effluent limitations that is as short as possible. The Permittee has until July 1, 2018 to achieve full compliance with the final effluent limitations for copper and lead.
 - d. The Permittee's Infeasibility Study Report proposed to redesign the constructed treatment wetland including construction of two internal maintenance dikes to increase residence time and associated treatment while also facilitating more effective maintenance.
18. Accordingly, the Regional Water Board finds that MMPs for violations of effluent limitations for copper and lead when discharging to the North Fork Mad River do not apply, so long as the Permittee complies with the interim effluent limitations, compliance schedules, and other requirements included in this Order.
19. The compliance schedule established for copper and lead in this Order is intended to be as short as possible. The compliance schedule for copper and lead accounts for the time necessary to evaluate Facility performance with respect to copper and lead removal, and the time necessary to evaluate and assess other alternatives. The Regional Water Board may wish to revisit these timeframes as more information becomes available.

20. This Order requires the Permittee to comply with interim effluent limitations for copper and lead. Interim effluent limitations for copper and lead are established as monthly averages and based on the 95% upper confidence bound for the 95th percentile, using a lognormal distribution, of all available effluent data (using half of the method detection limit where data is nondetect).
21. Pursuant to Water Code section 13389 and section 15321 of title 14 of the CCR, this is an enforcement action for threatened violations of waste discharge requirements and, as such, is exempt from the requirements of the California Environmental Quality Act (Public Resources Code sections 21000-21177). Section 15321 of the CEQA Guidelines provides a categorical exemption for actions by regulatory agencies to enforce a permit, but does not exempt construction activities related to that enforcement. In addition, this CDO action is exempt from CEQA pursuant to Water Code § 13389. That section exempts from the requirements of CEQA the Regional Water Board's adoption of waste discharge requirements. In *Pacific Water Conditioning Association v. City Council of the City of Riverside*, 73 Cal. App. 3d 546, 556 (1977), the court held that the CEQA exemption provided by 13389 also applies to CDOs that are enforcing NPDES permits. In addition, an environmental analysis is not required for this CDO action because there is no possibility that the activity in question may have a significant effect on the environment. (CCR., title 14, section 15061(b)(3).) The CDO extends deadlines to meet the effluent limitations in Order No. R1-2013-0008, but this CDO action does not change currently existing baseline conditions. The CDO is intended to require the Permittee to achieve compliance with the NPDES requirements. It can, therefore, be seen with certainty that the adoption of the CDO does not have any possibility of having a significant adverse effect on water quality.
22. On May 2, 2013, after due notice to the Permittee and all other interested persons, the Regional Water Board conducted a public hearing and received evidence regarding this Order.
23. 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 Water Code section 13320 and title 23, section 2050 of the CCR. 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 Water Board, any person affected by this Order may request the Regional Water Board to reconsider 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 Water Code sections 13300 and 13301, the Permittee shall cease and desist from discharging waste contrary to the effluent limitations contained in Finding 12 above, and comply with the following requirements:

1. The Permittee shall achieve compliance with copper and lead effluent limitations at the earliest possible date in accordance with the following compliance schedule:

Compliance Schedule for Final Effluent Limitations for Copper and Lead:

Task	Task Description	Compliance Date
1	Submit a pollution prevention plan (PPP) that meets the requirements of Water Code section 13263.3(d)(3). The PPP shall be designed to identify and control pollution at the Facility during the interim period of time until the Facility achieves full compliance with final effluent limitations for copper and lead.	August 1, 2013
2	Submit Copper and Lead Study Work Plan (including an enhanced monitoring program for copper and lead throughout the Facility) for Executive Officer Approval (Compliance Schedule assumes Executive Officer approval within 30 days of workplan submittal).	December 1, 2013
3	Submit biannual Assessment Reports from enhanced monitoring program for copper and lead throughout the Facility at key locations. The reports shall include: a) Summary of data collected to date. b) Evaluation of the Facility performance with regard to metals removal and compliance with effluent limitations. c) Evaluation of the potential for operational modifications to achieve desired lead and copper removal. d) Summary of any implemented operational modifications.	Biannually (July 1 st and January 1 st of each year) with first report due on July 1, 2014
4	Complete treatment wetland modifications and upgrades	November 1, 2014
5	Submit Report of Findings regarding the completion of the Copper and Lead Study	December 1, 2016

Task	Task Description	Compliance Date
6	If operational modifications and reductions are unsuccessful, submit a Feasibility Study for additional process infrastructure, alternative treatment and/or an alternative discharge proposal to achieve required metals removal. This evaluation shall include a comparison of alternative technologies, development of ranking criteria, and a recommendation for a preferred alternative to achieve compliance with copper and lead effluent limitations	May 1, 2017
7	Achieve full compliance with final copper and lead effluent limitations	May 1, 2018

- The Permittee shall comply with the following interim effluent limitations for copper and lead at Discharge Point 001 (Monitoring Location EFF-001) during the interim period established by this Order for the Permittee to reach compliance with the final effluent limitations set forth in Order No. R1-2013-0008:

Interim Effluent Limitations for Discharge Point 001, Discharge to North Fork of the Mad River

Parameter	Units	Average Monthly Effluent Limitation	Maximum Daily Effluent Limitation
Copper, Total Recoverable	µg/L	33.6	--
Lead, Total Recoverable	µg/L	25.9	--

- During the time period described in Requirement 1 above, the Permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations, and requirements identified in the Permit or any future waste discharge requirements issued for the Facility.
- If, for any reason, the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Requirement 1 above, the Permittee may request, in writing, that the Regional Water Board grant an extension of time. The extension request shall include justification for the delay and shall be submitted at least 30 days prior to the deadline the Permittee is requesting to extend. An extension may be granted by the Regional Water Board Executive Officer for good cause, in which case this Order will be accordingly revised in writing.
- If the Executive Officer of the Regional Water Board finds that the Permittee fails to comply with the provisions of this Order, the Executive Officer may take all actions

authorized by law, including referring the matter to the Attorney General for judicial enforcement or issuing a complaint for administrative civil liability pursuant to Water Code sections 13350 and 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.

CERTIFICATION

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopting by the California Regional Water Quality Control Board, North Coast Region, on May 2, 2013.

Original Signed By

Matthias St. John
Executive Officer