

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2011-0040

Rescinding Point Source Permit Requirements
Pursuant to National Pollutant Discharge Elimination System
(NPDES) Permit No. CA0024171 contained within
Waste Discharge Requirements Order No. R1-2002-0031

And

Monitoring and Reporting Program No. R1-2002-0031

For

Harwood Products Inc., Branscomb Sawmill
WDID No. 1B83056OMEN

Mendocino County

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

1. Arthur H. Harwood and Morris J. Harwood, Harwood Products, Inc. operated a sawmill, wood treatment facility and wood waste disposal site at 14210 Branscomb Road, Branscomb, California ("Site"), between 1950 and 2008.
2. Historically, discharges of waste from the Site included land discharges from the sawmill and wood waste disposal site (nonpoint source discharges) and discharges to surface water from log deck sprinkling and storm water (point source discharges). These discharges have been regulated pursuant to Waste Discharge Requirements Order No. R1-2002-0031 and accompanying Monitoring and Reporting Program (together referred to as "Permit"), which expired on May 16, 2007, but remains in force and effect until rescinded or a new permit is issued. The National Pollutant Discharge Elimination System (NPDES) portion of the Permit (NPDES Permit No. CA0024171) regulates the point source discharges.
3. In 2008, Regional Water Board staff met with Art Harwood at the Site to discuss steps to renew the Permit. At that time, Mr. Harwood informed staff that the sawmill was no longer in operation, and the associated point source discharges from the log deck sprinkling had ceased. Sawmill operations have not since recommenced.

4. That same year, Harwood Products Inc. filed for bankruptcy under Chapter 11. The case was later converted to a Chapter 7 bankruptcy. Under Chapter 7, a business ceases operations and the assets are liquidated and distributed to creditors. The major creditor, Wells Fargo Bank N.A., relinquished the property to Arthur H. Harwood, Morris J. Harwood and Calvin Harwood (Harwoods) in 2010. Staff understand that an entity called Jackson Valley Industries LLC may also be named as owner of some or all of the property.
5. On January 28, 2009 and September 4, 2009, fires occurred at the Site where a portion of a building, several drums and equipment potentially containing hydraulic fluid were burned.
6. On February 26, 2009, the Regional Water Board issued Cleanup and Abatement Order No. R1-2009-0023 [later replaced by amended Order No. R1-2009-0128] (CAO), requiring responsible parties to cleanup and abate the discharge and threatened discharges of pollutants in storm water runoff to the Eel River and in excess of the land disposal requirements and water quality objectives for groundwater, forthwith and to comply with certain other provisions.
7. Regional Water Board staff conducted Site inspections on November 3, 2009 and February 11, 2011 confirming that storm water runoff from the Site poses a threat to discharge to the South Fork Eel River during future rainfall events and other cleanup activities were necessary.
8. Harwoods have hired a consulting firm to develop workplans and/or to conduct work necessary to bring the wood waste disposal site into compliance with the woodwaste disposal requirements of the Permit and CAO, including elements such as closure and post-closure plan development, site maintenance, and monitoring. Products and progress of this effort will help staff to determine the appropriate form and content of future permits or enforcement action to recommend to the Board with respect to the wood waste disposal site.
9. This Order rescinds NPDES Permit No. CA0024171 (See Attachments A and B, the respective underline-strikeout versions of the Waste Discharge Requirements and Monitoring and Reporting Program Order No. R1-2002-0031). The Permit will remain in effect for discharges associated with the wood waste disposal site. This Order also updates the named parties on the Permit to reflect the change in ownership to the Harwoods and Jackson Valley Industries, LLC.
10. Harwoods will need to enroll the Site under the *State Water Resources Control Board Water Quality Order No. 97-03-DWQ, NPDES General Permit No.*

CAS000001 and Waste Discharge Requirement for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Storm Water Permit). The Site discharges storm water to waters of the United States from an existing general sawmill with log storage and handling areas and existing wood preserving operations with Standard Industrial Classifications 2421, 2411, and 2491, which are the types of manufacturing facilities covered by the General Storm Water Permit.

11. The General Storm Water Permit includes requirements for a storm water pollution prevention plan (SWPPP) that is intended to include a discussion on all Best Management Practices (BMPs) (including spill prevention and cleanup, staff training, sampling, source controls and active treatment systems). The General Storm Water Permit also establishes an iterative process whereby the permittee is expected to monitor water quality visually and analytically and upgrade BMPs over time. Monitoring includes indicator parameters and has language for the permittee to monitor other constituents likely to be contained in the effluent. Coverage for the remaining portion of the Order under the General Storm Water Permit would also be consistent with the industry-wide permitting of storm water discharges as being applied to all other sawmills in the North Coast Region.
12. The Regional Water Boards may modify or revoke and reissue a permit during its term or denied renewal for causes such as a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. (Water Code, § 13381; 40 CFR § 122.64.) Here, the point source discharges from the log deck have ceased because the sawmill is no longer operational. Point source discharges from storm water runoff are properly regulated under the General Storm Water Permit. Therefore, the point source NPDES portion of the Permit is no longer necessary.
13. Under Water Code section 13388, this action to rescind NPDES Permit No. CA0024171 is exempt from the California Environmental Quality Act, Public Resources Code sections 21100-21177.
14. On May 5, 2011, after due notice to the Dischargers and all other affected persons, the Regional Water Board conducted a public hearing and evidence was received regarding rescission of the NPDES portions of the Permit.

THEREFORE, IT IS HEREBY ORDERED that:

1. The provisions regulating point source discharges in Waste Discharge Requirements Order No. R1-2002-0031 (NPDES Permit No. CA0024171) are terminated.

2. Staff shall delete all NPDES-related language in the Permit as shown in Attachments A and B;
3. Staff shall add Arthur H. Harwood, Morris J. Harwood, Calvin Harwood, and Jackson Valley Industries, LLC as named parties in the Permit; and
4. Harwoods and Jackson Valley Industries, LLC shall apply for coverage under the General Storm Water Permit for the Site within 30 days of the adoption of this Order (by June 6, 2011).

CERTIFICATION

I, Catherine Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on May 5, 2011.

Catherine Kuhlman
Executive Officer