



May 13, 2010

Catherine Kuhlman  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

Re: Freshwater Tissue Company, Cease and Desist Order No. R1-2010-0039;  
WDID No. 1B77005OHUM; NPDES No. CA0005894

Ms. Kuhlman:

The following comments are submitted on behalf of the board and staff of Humboldt Baykeeper regarding the draft Cease and Desist Order, Order R1-2010-0039 for the Freshwater Tissue Company Pulp Mill (“the Mill”). Humboldt Baykeeper’s mission is to **safeguard our coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community through education, scientific research, and enforcement of laws to fight pollution.** Based upon our review of the draft Cease and Desist Order (“CDO”) we have the following comments.

Humboldt Baykeeper submitted comments on the Draft Permit, Order R1-2010-0033, on April 25, 2010. As we stated in that letter, we appreciate the work conducted by the staff of the North Coast Regional Water Quality Control Board (“Staff”) in preparing the permit and in developing the CDO. We also appreciate the desire of Freshwater Tissue to commence operations at their facility in the most timely fashion and to bring additional economic opportunities back to the Humboldt Bay region. We have concerns, however, with some of the provisions within the CDO and with the underlying reason that this CDO is required.

Of note within the CDO is the lack of a provision stating that all actions must be taken in compliance with all relevant local, state, and federal requirements. Although such a provision may seem unnecessary, it seems prudent to include such a provision within the CDO to assure that conflicts between requirements do not arise, placing the Regional

Board in a potentially untenable situation. Of particular note is the lack of a requirement or time schedule for completion of the CEQA process which will be required for construction of the new treatment facility and the lack of a requirement to obtain a Coastal Development Permit (“CDP”) for the facility, although it clearly resides within the Coastal Zone.

Humboldt Baykeeper also has concerns that final operations of the Mill be protective of all environmental resources – water, air, flora and fauna. In light of our concerns, we believe the CDO should contain provisions for modification of Permit R1-2010-0033 should results of the required CEQA analysis or any other environmental review process show that the most protective environmental alternative is something other than that considered in both the CDO and the draft Permit.

Thank you for your consideration of our comments.

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/s/  
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