

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

NOTICE OF PUBLIC HEARING
AND ISSUANCE
OF A COMPLAINT
FOR
ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF

STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME
MAD RIVER HATCHERY
WDID NO. 1B80073OHUM; Humboldt County

AND

PACIFIC LUMBER COMPANY, SCOTIA SAWMILL
WDID NO. 1B83056OMEN; Humboldt County

On February 15, 2005, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaints (Complaints) to State of California Department of Fish and Game, Mad River Hatchery (Complaint No. R1-2005-0012 and Pacific Lumber Company, Scotia Sawmill (Complaint No. R1-2005-0013 (Discharger), proposing mandatory minimum penalties in the amount of \$9,000 for alleged violations of Waste Discharge Requirements/NPDES Permits (WDR/Permit ID Numbers are shown above with each respective Discharger).

The Complaints were issued for failure to timely submit a discharger monitoring report required pursuant to Section 13383 of the California Water Code (CWC). This violation is subject to a mandatory minimum penalty of \$3,000 for each 30 days the report is late, pursuant to CWC Sections 13385(h) and 13385.1. The Complaint proposes to assess the minimum potential Administrative Civil Liability of \$3,000.

Opportunity for Settlement Without a Public Hearing

A 30-day public comment period has commenced beginning on the date of this notice. If no significant comments are received during the comment period, the Discharger will have the opportunity to settle this enforcement matter without a hearing, by paying the proposed Administrative Civil Liability. The Executive Officer will consider comments received and either finalize the settlement or take other appropriate action.

Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the hearing, the Regional Water Board will hold a public hearing on this matter on April 20, 2005, at 9:00 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about March 29, 2005. The meeting is scheduled to be held in the Regional Water Quality

Control Board Hearing Room located at 5550 Skylane Boulevard, Suite A, Santa Rosa, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

The Discharger and interested persons must submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other evidentiary material concerning this issue by 5:00 p.m. on March 25, 2005. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, Sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by April 8, 2005. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by Regional Water Board Chair and usually will allow no more than 10 minutes for Regional Water Board staff and the Discharger and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Complaint is available for review on the Regional Water Board web site at <http://www.waterboards.ca.gov/northcoast/agenda/pending.html>. The draft staff report will be available for review after April 6, 2005. That document as well as the other evidentiary documents and file may be inspected or copied at the Regional Water Board office on Mondays from 1:30 p.m. to 4:30 p.m., Tuesday through Thursday from 8:30 a.m. to 11:30 a.m. and from 1:30 p.m. to 4:30 p.m., and Fridays from 8:30 a.m. to 11:30 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information on Pacific Lumber Company; Scotia Sawmill please contact Regional Water Board staff member Lisa Bernard at (707) 576-2677 or at lbernard@waterboards.ca.gov. and for CA Department of Fish and Game Mad River Hatchery contact Regional Water Board staff member Al Wellman at (707) 576-2665 or at awellman@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

February 15, 2005