

California North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2220

Notice of Application and Public Hearing

of

Proposed Cease and Desist Order No. R1-2010-0039
NPDES Permit No. CA0005984
WDID No. 1B77005OHUM

for

Freshwater Tissue Company
Samoa Pulp Mill

Humboldt County

Freshwater Tissue Company is the owner and operator of the Samoa Pulp Mill, which will discharge approximately 14.0 million gallons per day of wastewater to the Pacific Ocean, a water of the United States, during the production of unbleached and chlorine-free bleached pulp. Freshwater Tissue Company filed an application for a National Pollutant Discharge Elimination System (NPDES) permit for the Samoa Pulp Mill. A tentative permit for this discharger, Waste Discharge Requirements (WDR) Order No. R1-2010-0033, containing limitations and provisions in accordance with the Federal Clean Water Act and the California Porter-Cologne Water Quality Control Act will be considered for adoption by the Regional Water Board during a public meeting on June 10, 2010.

Based on an analysis of effluent monitoring data from 2005 through 2008, the wastewater discharge from the pulp mill during production of unbleached pulp cannot comply with the final effluent limitations for five-day biochemical oxygen demand (BOD₅) and total suspended solids (TSS) that are established in the tentative permit. Freshwater Tissue Company requested a compliance schedule that allow will three years from mill startup to obtain required local development permits, and design and construct a conventional activated sludge wastewater treatment plant to reduce effluent BOD₅ loading and bring the discharge into compliance with effluent limitations. The proposed Order establishes a time schedule for bringing the pulp mill's discharge into compliance with the final effluent limitations for BOD₅ and TSS during the production of unbleached pulp and sets performance-based interim effluent limitations that will be in effect during the production of unbleached pulp. Violations of final effluent limitations for BOD₅ and TSS in section A.2 of WDR Order No. R1-2010-0033 during the production of unbleached kraft pulp will not subject to Mandatory Minimum Penalties under California Water Code section 13385(j)(3), if the Freshwater Tissue Company is in compliance with this Cease and Desist Order, including the interim limitations and schedules set forth in the Order.

The Regional Water Board intends to consider adopting the tentative Order during a meeting to commence at the time and location as follows:

Time and Date:	8:30 a.m., June 10, 2010
Location:	David C. Joseph Hearing Room 5550 Skylane Boulevard, Suite A Santa Rosa, CA

The deadline for comment is 5:00 p.m. on May 13, 2010. Comments must be sent to the **attention of Charles Reed**. Persons wishing to file written comments on, or objections to, the tentative Order must do so no later than this deadline in order for staff to have time to consider and respond to such comments. The Water Board will hear oral testimony, but will not accept written comments after the deadline noted above. The Chair may refuse to admit evidence, comments, or testimony that does not summarize timely submitted comments if this deadline is not met, and shall refuse to do so where there is a showing of prejudice to any party or the Board. Any person submitting late comments or other evidence must explain why such materials were not submitted by the deadline. The Chair of the North Coast Regional Water Board will rule on late submittals at or before the hearing. Late submittals that consist of evidence (as opposed to policy statements or comments) are generally prejudicial unless all parties and the Regional Water Board staff have time to consider the evidence before the hearing. Interested persons are invited to attend and express their views at the public hearing on this matter. Oral comments should summarize timely-submitted comments or late-submitted comments that have been accepted by the Chair. The Chair of the North Coast Regional Water Board will impose time limits on oral comments.

The procedures governing Regional Water Board meetings and adjudicative proceedings may be in Articles 1 and 2 of Chapter 1.5 of Division 3 of Title 23 of the California Code of Regulations, and are available upon request.

All issues raised in petitions brought to the State Water Resources Control Board pursuant to California Water Code section 13320 must be raised in the proceedings before the Regional Water Board. Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, if the action or inaction that is the subject of the petition was taken by the regional board after notice and opportunity to comment, the petition will be limited to those substantive issues or objections that were raised before the Regional Water Board at the public hearing or in timely submitted written correspondence delivered to the Regional Water Board.

Document Review

The tentative Order, related documents, and comments received by the Regional Water Board will be on file and may be inspected or copied at the Regional Water Board's office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220. The tentative Order and any additional information and developments on this matter are also available at www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders. A response to comments will be posted on that website one week prior to the hearing. Contact Charles Reed at (707) 576-2752, or by e-mail at creed@waterboards.ca.gov if you have any questions on this matter.

Catherine Kuhlman
Executive Officer

April 22, 2010