

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 Waste Discharge Requirements Order No. R1-2011-0009

For

CLEAN CLOSURE OF THE
HUMBOLDT REDWOOD COMPANY, LLC
(FORMERLY PACIFIC LUMBER COMPANY)
HELY CREEK CLASS III SOLID WASTE DISPOSAL SITE
WDID NO. 1B79174OHUM

Humboldt County

Humboldt Redwood Company, LLC, has filed an application for revision of Waste Discharge Requirements (WDRs). Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) has prepared a tentative permit for this discharger containing limitations and provisions in accordance with Title 27 California Code of Regulations and the California Porter-Cologne Water Quality Control Act.

Humboldt Redwood Company, LLC currently owns the 26 acre Hely Creek SWDS (Site) which is located five miles east of Carlotta just north of Highway 36. The waste disposal unit covers approximately 3 acres of this Site and contains approximately 80,000 cubic yards of non-hazardous wood waste and debris associated with log deck clean-up from mill operations in Carlotta. Louisiana Pacific Corporation was the original owner and operator of the site and the first WDRs Order No. 79-174 were issued on September 27, 1979 designating the site as a Class 11-2 (now known as a Class III) solid waste disposal site suitable to accept wood waste under the Subchapter 15 regulations prevailing at that time. In 1984, the Pacific Lumber Company purchased the property and operated the waste disposal unit until 1994. On February 27, 1997, the Regional Water Board issued WDRs Order No. 97-5 to the Pacific Lumber Company for the off-site clean closure of the Site.

In 2002, the Pacific Lumber Company obtained pilot samples of the waste in preparation for off-site clean closure and determined that the material had insufficient wood waste for off-site use as fuel or compost feedstock. Subsequent pilot studies showed that the material was suitable soil amendment. The Discharger resubmitted closure plans proposing reuse of the waste as on-site soil amendment after sorting and removing any uncharacteristic wastes. Soil amendment created from sorting of the waste in the disposal unit will be spread over the Site and a nearby rock quarry and then planted with trees to return these areas to timber production.

On the basis of preliminary staff review and application of lawful standards and regulations, the California North Coast Regional Water Quality Control Board (Regional Water Board) proposes to adopt Waste Discharge Requirements Order R1-2011-0009 for the Hely Creek Solid Waste Disposal Site. Order R1-2011-0009 will require clean closure of the current waste management unit with reuse of the soil amendment component of the waste at the Site and portions of a nearby rock quarry to return these areas to timber production. This item will be open for public comment from November 12 to December 27, 2010.

Public Hearing Procedures

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

Time and Date:	8:30 a.m., January 27, 2011
Location:	Regional Water Quality Control Board 5550 Skylane Blvd, Ste A Santa Rosa, CA 95403

A public hearing to consider comments and objections to the proposed permit is scheduled for January 27, 2011, at 8:30 a.m., in Santa Rosa, California, or as announced in the Regional Water Board's agenda. The meeting will be held at the Regional Water Board's Office, located at 5550 Skylane Boulevard, Suite A, Santa Rosa, California. At the public hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed waste discharge requirements.

In order for the Regional Water Board to consider any evidentiary material concerning this hearing, any documents, including written technical reports and other evidentiary material, must be received by the Regional Water Board no later than 5:00 p.m., on December 27, 2010, at 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403. All documents that are received timely will be distributed to the Regional Water Board members and interested persons. These records will also become a permanent part of the administrative record for this public hearing.

Except at the discretion of the Regional Water Board Chair, written material received after the above date will not be accepted. If the Chair chooses to accept late written material, that material will not be 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 this hearing must submit written statements to the Regional Water Quality Control Board no later than December 27, 2010. The statements should provide the name of the witness, his or her qualifications (if an expert), and the scope of his or her intended testimony. The time limit for oral testimony or comments will be set by the Regional Water Board Chair and are subject to change.

These time limits normally allow no more than 10 minutes each for Regional Water Board staff and Dischargers. All speakers are expected to honor these time limits. Other interested persons may also provide testimony at this public hearing. However, any testimony given by someone other than staff or the Discharger may be limited to 3 minutes and may only be given under the limited scope of summarizing or explaining any timely-submitted or late-accepted written evidence. No new evidence will be allowed to be presented at this public hearing. In an effort to be fair to all people who wish to testify at this public hearing, the Regional Water Board Chair may choose to use a timer to ensure that individuals stay within the time limits set by the Chair. The Chair also requests that in order to avoid unnecessary repetitive testimony, that one spokesperson be selected to speak on behalf of many individuals, when those individuals share a common affiliation or interest.

The procedures governing Regional water Board meetings may be found at sections 647 et seq. and 648 et seq. 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 permit 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 Gina Morrison at (707) 576-2501, or by e-mail at gmorrison@waterboards.ca.gov if you have any questions on this matter.

Catherine Kuhlman
Executive Officer

November 12, 2010