

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

ORDER NO. R1-2009-0009

IMPOSING ADMINISTRATIVE CIVIL LIABILITY
PURSUANT TO SETTLEMENT OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
NO. R1-2008-0097

In the Matter of
EVERGREEN PULP, INC.,
SAMOA PULP MILL
WDID No. 1B77005OHUM

Humboldt County

The California Regional Water Quality Control Board North Coast Region (“Regional Water Board”) finds:

1. On August 1, 2008, the Assistant Executive Officer of the Regional Water Board issued Administrative Civil Liability Complaint No. R1-2008-0097 (Complaint) (Exhibit A), which proposed to assess an administrative civil liability of \$463,000 against Evergreen Pulp, Inc. (Evergreen) for violations of effluent limitations and discharge prohibitions contained in Regional Water Board adopted Waste Discharge Requirements Order No. R1-2004-0047, during the period of March 1, 2005 through December 31, 2007, and subject to mandatory minimum penalties and civil liability provisions outlined in California Water Code section 13385, subsection (c), (e), (h) and (i).
2. Representatives of Evergreen and the Regional Water Board Prosecution Staff entered into a settlement as memorialized in the Complaint, Waiver of Right to a Public Hearing, and the September 9, 2008 letter from Regional Water Board Assistant Executive Officer Luis Rivera, entitled “Finalization of Settlement of Administrative Civil Liability Complaint No. R1-2008-0097” attached hereto as Exhibits A, B and C (referred to collectively as “Settlement Documents”).
3. Government Code section 11415.60 authorizes the Regional Water Board to issue a decision by settlement, pursuant to an agreement of the parties, without conducting an adjudicative proceeding.
4. The Settlement Documents attached hereto support the assessment of administrative civil liability in the amount of \$463,000 for the alleged violations, and is in the public interest. This Order and assessment of administrative civil liability provides for the full and final resolution of each of the alleged violations addressed by this Order.
5. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) in

accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that:

1. Pursuant to the Settlement Documents executed by the Assistant Executive Officer and Evergreen, administrative civil liability under California Water Code section 13385, subdivision (e), is imposed upon Evergreen in the amount of \$463,000.
2. Evergreen shall remit, within 30 days of the date of this order, payment of the full penalty of \$463,000 to the State Water Pollution Cleanup and Abatement Account c/o the Regional Water Quality Control Board, North Coast Region, 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403.
3. Fulfillment of Evergreen's obligations under this Order constitutes full and final satisfaction of any and all liability for each of the alleged violations specifically identified in this Order.

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 January 29, 2009.

Catherine Kuhlman
Executive Officer