

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R1-2009-0032

For

VIOLATIONS OF WASTE DISCHARGE REQUIREMENTS

Order No. R1-2004-0047

NPDES No. CA0005894

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), having considered in a public meeting on April 23, 2009, all comments received on the issuance of liability against Evergreen Pulp Inc. (Evergreen) regarding violations alleged in Complaint No. R1-2009-0012, dated January 27, 2009 (Complaint) (Exhibit A, attached), having provided public notice thereof and not less than (30) days for public comment, and on the recommendation for administrative assessment of Civil Liability in the amount of \$453,000 finds as follows:

1. Evergreen owns and operates the Samoa Pulp Mill, which is regulated by Waste Discharge Requirements Order No. R1-2004-0047, NPDES Permit No. CA0005894. The pulp mill is located at 1 TCF Drive on the north spit of Humboldt Bay near the community of Samoa.
2. The Samoa Pulp Mill has the capacity to produce an average of 700 tons per day of bleached or unbleached Kraft market pulp. The mill is permitted to discharge a monthly average of up to 20 million gallons per day of wastewater through a submerged multi-port diffuser, with a dilution ratio of 115:1, located 8,200 feet offshore in the Pacific Ocean at a depth of 82 feet. The mill does not have wastewater treatment facilities and relies on process control and best management practices to meet the terms of the waste discharge requirements. Effluent from the mill consists of process wastewater from the Kraft pulping process, wastewater from maintenance activities, solids from the raw water treatment plant, blowdown from the recovery boiler, storm water, and freshwater flows to maintain the outfall during periods of pulp mill shutdown.
3. On January 27, 2009, the Assistant Executive Officer of the Regional Water Board issued the Complaint which proposed to assess an administrative civil liability of \$453,000 against Evergreen for violations of effluent limitations contained in Regional Water Board Waste Discharge Requirements Order No. R1-2004-0047. The violations detailed in Table 1 of the Complaint occurred during the period of January 1, 2008 through December 31, 2008, and are subject to mandatory minimum penalties and civil liability provisions outlined in California Water Code section 13385, subsection (c), (e), (h) and (i).

4. During a comment period beginning on January 27, 2009 and ending on March 4, 2009, Evergreen was provided notice and given an opportunity to submit comments, testimony and other evidentiary material or to settle the matter by paying the penalty and waiving a hearing on the matter. No response was received from Evergreen during the above comment period.
5. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (CEQA) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

IT IS HEREBY ORDERED that:

1. Evergreen shall be assessed the civil liability of \$453,000.
2. Evergreen shall remit, within 30 days of the date of this order, payment of the full penalty of \$453,000 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.
4. The Executive Office, or her delegate, is authorized to refer this matter to the Office of Attorney General for enforcement if Evergreen fails to comply with Paragraph 2.

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 April 23, 2009.

Catherine Kuhlman
Executive Officer