

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. 97-115

for

Scotia Pacific Holding Company,
The Pacific Lumber Company, and
Elk River Timber Company

North Fork Elk River

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. On September 23, 1994, the California Department of Forestry (CDF) approved timber harvest plan number 1-94-360 HUM for timber harvesting operations on 191 acres in the North Fork Elk River watershed in Humboldt County. The timber harvest plan identified the timber owners as Scotia Pacific Holding Company (ScoPac) and The Pacific Lumber Company (TPL). The timberland owners are identified as ScoPac, TPL and Elk River Timber Company (ERTC). The timber operator was TPL. ScoPac, TPL, and ERTC shall hereinafter be referred to as the dischargers. The timber operations occurred in section 25, T4N, R1W, and in sections 29 and 30, T4N, R1E, HB&M. The timber harvesting consisted of 125 acres of tractor and cable clear-cut and 66 acres of alternative prescription which was applied in the watercourse and lake protection zones. The timber harvest areas are separated into five harvest units identified as Unit A, Unit B, Unit C, Unit D and Unit E as shown on the attached map.
2. On August 25, 1997 and September 9, 1997, Regional Water Board staff attended post harvest inspections of timber harvest plan 1-94-360 HUM in response to concerns expressed by the California Department of Forestry regarding the degradation of watercourses tributary to the North Fork Elk River. The degradation was due to the discharge of earthen material and organic debris from multiple landslides observed from aerial and on-the-ground inspections. The Regional Water Board staff observed approximately 1000 feet of Class II stream adjacent to Unit D which was filled with soil and organic debris. The soil and organic debris extended from the Class II watercourse to the North Fork Elk River. The landslide debris originated from a midslope truck road used for harvesting timber. Another Class II watercourse tributary to the North Fork Elk River and adjacent to Unit E was filled with soil and organic debris originating from a failed landing used

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during timber harvesting. The Regional Water Board staff also observed oversteepened landings with tension cracks in Unit C which threaten to discharge soil and organic debris to tributaries to the North Fork Elk River.

3. The dischargers have caused or permitted earthen material and organic debris to be discharged or deposited where it is, or probably will be, discharged into unnamed tributaries to the North Fork Elk River and into the North Fork Elk River, and have threatened to cause or permit earthen material to be discharged into unnamed tributaries to the North Fork Elk River and into North Fork Elk River. Such waste has been and probably will continue to be discharged into the waters of the State, where it has created or threatens to create a condition of pollution or nuisance. Winter rainfall/runoff threatens to continue the discharge unless and until the waste is cleanup and abated.
4. The Regional Water Board adopted the Water Quality Control Plan for the North Coast Region on December 9, 1993. The Plan includes water quality objectives and discharge prohibitions.
5. The existing and potential beneficial uses of the North Fork Elk River include agricultural water supply, cold freshwater habitat, water contact recreation, non-contact recreation, wildlife habitat, migration routes for anadromous fish, and fish spawning.
6. Discharge prohibitions 1 and 2 of the Action Plan for Logging, Construction, and Associated Activities of the Water Quality Control Plan for the North Coast Region state:
 1. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses are prohibited.
 2. The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses are prohibited.
7. Section 13304(a) of the California Water Code states: "Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action,

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including, but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the Board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."

8. This enforcement action is being taken for the protection of the environment and to enforce a general standard set forth in the Basin Plan. Therefore, this enforcement action 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.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267 and 13304, the discharger shall comply with the following:

1. Clean up and abate the effects of waste earthen materials and organic debris discharged to the North Fork Elk River and unnamed tributaries of the North Fork Elk River.
2. Clean up and abate the effects of waste earthen materials and organic debris deposited where they probably will be discharged to the North Fork Elk River and unnamed tributaries of the North Fork Elk River.
3. On or before October 15, 1997, submit to the Executive Officer for concurrence a workplan, prepared by a California registered professional engineer or geologist, for cleanup and abatement as specified in provisions 1 and 2 above. The workplan shall also delineate all intended compliance measures to ensure long term control of erosion from roads and landings and ensure compliance with the Basin Plan, the Forest Practice Rules, and the approved THP. The workplan shall also identify the volume of soil and organic debris discharged to the watercourse where cleanup is not feasible. The workplan shall also include a comprehensive time schedule for implementation of immediate and long-term abatement activities. Immediate cleanup activities shall be completed by November 15, 1997, and long-term cleanup activities shall be completed in accordance with the proposed time schedule.
4. The cleanup and abatement activities specified in provisions 1 and 2 above shall be supervised on the ground by the licensed or certified professional who prepared the workplan.
5. If, for any reason, the discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein or in compliance with any work schedule submitted pursuant to this Order and concurred in by the Executive Officer, the discharger may request, in writing, an extension of the time specified. The

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extension request must be submitted five days in advance of the due date and shall include justification for this delay, including a description of the good faith efforts performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all dependent dates. An extension may be granted for good cause, in which case this Order will be accordingly revised.

Ordered by _____

ORIGINAL SIGNED BY

Benjamin D. Kor
Executive Officer

September 23, 1997

(caososa.wpd)

Inspection Map: THP 1-44-360/H

Legend:

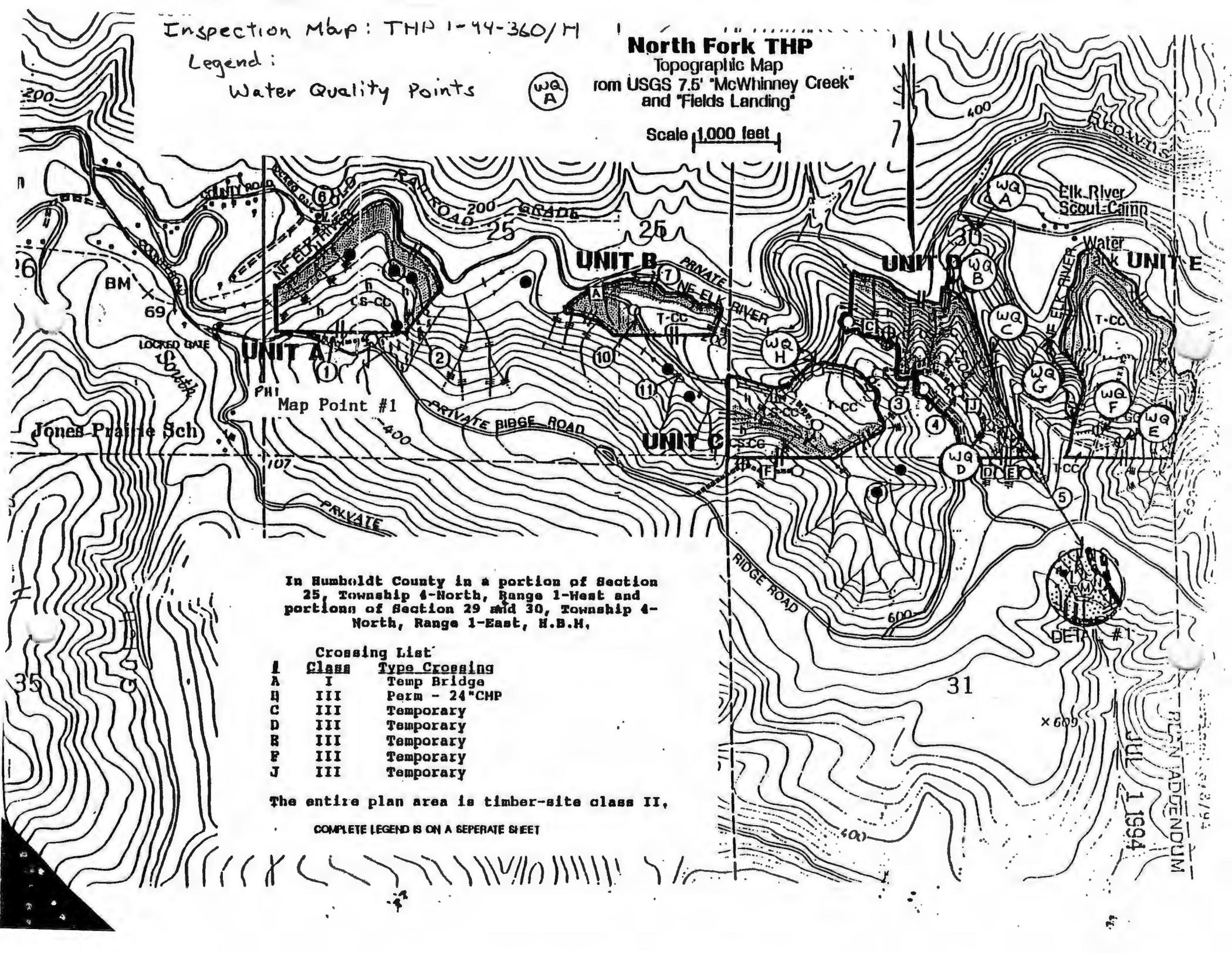
Water Quality Points



North Fork THP

Topographic Map
from USGS 7.5' "McWhinney Creek"
and "Fields Landing"

Scale 1,000 feet



In Humboldt County in a portion of Section 25, Township 4-North, Range 1-West and portions of Section 29 and 30, Township 4-North, Range 1-East, H.B.H.

Crossing List

| I | Class | Type Crossing |
|---|-------|---------------|
| A | I | Temp Bridge |
| H | III | Perm - 24"CHP |
| C | III | Temporary |
| D | III | Temporary |
| R | III | Temporary |
| F | III | Temporary |
| J | III | Temporary |

The entire plan area is timber-site class II,

COMPLETE LEGEND IS ON A SEPERATE SHEET

x 600

JUL 1 1994

PERN APPENDUM