

January 18, 2016

To: Members of the Board

Re: Draft Waste Discharge Requirements Under Order R1-2016-0004

To begin, I feel I must remind the Board that the whole reason we have found ourselves here is that in 1997 Kristi Wrigley stood up and said that something was rotten in Elk River. It wasn't a state agency that uncovered the problem we're *still* dealing with. So, where in Order R1-2016-0004 does it state that residents' input will be meaningfully solicited and considered throughout the prescribed process? Are we not important? Are we to trust WQ to tell us when our problems – *which we raised in the first place* – are solved? I request that "relevant information," as mentioned in the second paragraph of page 29 of Order R1-2016-0004, be defined to explicitly include scientific data from Elk River residents. I also request that the draft WDR be altered to included language that stipulates that residents' input will be meaningfully solicited and considered.

Finding 25 states that "immediate compliance may not be possible, even with complete cessation." Really?! I thought we could just click our heels and be back in Kansas. Everyone knows nothing is going to happen immediately. But the *fastest* way to a healthy watershed is complete cessation with, of course, active remediation efforts. This will cost HRC money. It should. It is nobody's fault but HRC's that it did not properly kick the tires before buying PALCO from Maxxam. Why should WQ make up for HRC's poor business decisions? Finding 57 says that "halting all timber harvest activity in the UER watershed is not necessarily feasible or helpful in promoting HRC's participation..." Why does HRC's participation need to be "promoted"? You are the regulator! You don't have to promote their participation in the process, you can *compel* it. Are you afraid of a big, bad corporate legal team? Cry me a river. Except don't. The channel doesn't have any more loading capacity. What about promoting the residents' participation? You don't seem to want to do that.

Finding 56 stipulates that HRC shall not conduct timber operations between October 15 and May 1. Surely, the Board has heard of climate change. Given that the WDR covers the next 20 years and climate change will alter our world in unpredictable ways, did WQ not see fit to insert a mechanism for redefining when logging would not occur in the event that climate changes alters historical precipitation patterns? How much macro-level thought went into the creation of this draft WDR? (Side note: The old PALCO, i.e. pre-Maxxam, did not log during the rainy season. And the government didn't have to stipulate it. The Murphy family simply knew it was the right thing to do. What a concept.) Also, let's be clear that the stipulation in Finding 63 to inspect a THP following greater than three inches of rain in 24 hours means next to nothing. Is HRC going to put a rain gauge at each THP? How often does Elk River get over three inches of rain in 24 hours? Come on.

Sadly, Order R1-2016-0004 says nothing concrete, except that logging will continue. Finding 90 says that the Order "should" create improved conditions. Yet Finding 93 states that logging will definitely still be permitted. So, basically: we know logging caused the problem, the Order's prescriptions *hopefully* will fix the problem, but while we're finding that out, the problem-causing activity will *surely* continue. And please explain this statement, also from Finding 90: "Allowing some timber harvest activity to continue enables HRC's participation in cleanup and restoration efforts." Again: You are the regulator! HRC's participation in your prescriptions is mandatory. You, as a government agency, are supposed to be protecting us, the little guys, *the people*. HRC is gonna be fine. Why do you insist that *possibly* protecting residents' beneficial uses of water will *necessarily* involve HRC's contemporaneous financial gain?

Frankly, the Waste Discharge Requirements contained in Order R1-2016-0004 are absolute horse pucky that will do nothing to improve water quality for residents of Elk River. What I see in your draft WDR is a lot of obfuscation and a clear indication you lack the humanity – and the balls – to uphold the law generally, protect the beneficial uses of water specifically, or admit in any way the feckless and fearful way NCRWQCB has gone about "enforcing" environmental protections. You cower before HRC's financial, political, and legal might. Then you turn around and paternalistically tell Elk River residents that their health, safety, and property are not as important as the corporate interloper's bottom line. That's illegal. That's unconstitutional.

Digusted by this agency's disregard for American citizens,  
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