

SUMMARY OF WATER QUALITY ORDER

ORDER NO.	WQO 2005-0006
DATE ADOPTED	April 6, 2005
PETITION TITLE	PETITION OF HUMBOLDT WATERSHED COUNCIL; ENVIRONMENTAL PROTECTION INFORMATION CENTER (BOARD DIRECTION TO ENROLL PACIFIC LUMBER COMPANY UNDER GENERAL WASTE DISCHARGE REQUIREMENTS FOR LOGGING)
POPULAR NAME <i>[if applicable]</i>	
REGIONAL BOARD	North Coast Regional Water Quality Control Board
FILE NO[S]	SWRCB/OCC File A-1692

NON-PRECEDENTIAL DECISION

The Executive Officer of the North Coast Regional Water Quality Control Board (Regional Board) was directed to enroll additional timber harvesting plans (THPs) submitted by the Pacific Lumber Company (PALCO) under General Waste Discharge Requirements Order No. R1-2004-0030 on March 16, 2005. The THPs are located in the drainages of Freshwater Creek and the Elk River, areas that had previously been subject to State Water Resources Control Board (State Board) review. The Humboldt Watershed Council filed a timely petition with the State Board on behalf of itself, the Environmental Information Protection Center, and the Sierra Club contesting the validity of the directive and asking that the State Board stay the effective date of any additional enrollments until the petition could be addressed on its merits. A hearing was held before Richard Katz, Member of the State Board, sitting as hearing officer by appointment of the Chair, on April 5, 2005, in the State Board's offices.

Petitioners presented evidence, both documentary or testimonial, showing that the enrollment of additional THPs would add to the burden on water quality during the time the petition will be pending before the State Board. Petitioners introduced evidence showing that the financial impact on PALCO would be minimal and that any harm suffered by PALCO or its employees and contractors was largely the result of PALCO's lack of cooperation with the Regional Board in preparing comprehensive watershed-based permits.

The hearing officer found that the public would suffer substantial harm if a stay was not granted because the felling of additional timber was irreversible and any harm that resulted would be unavoidable. He also found that no substantial harm would result for others if a stay was granted and that any harm that did result could be attributed to PALCO's actions. Mr. Katz granted the request for a stay on April 6, 2005.