

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2016-0088

AMENDING CEASE AND DESIST ORDER

R5-2015-0128

FOR
COLLINS PINE COMPANY
CHESTER SAWMILL
PLUMAS COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or Board), finds that:

1. Collins Pine Company (hereinafter Discharger) owns and operates the Chester Sawmill (hereinafter Facility), an electrical cogeneration and sawmill facility located in Chester, California, Plumas County.
2. Waste Discharge Requirements (WDR) Order R5-2009-0015, which was adopted by the Central Valley Water Board on 5 February 2009, regulates the discharge of waste from Facility operations.
3. On 11 December 2015, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2015-0128. The CDO contains a compliance schedule with specific dates the Discharger must follow for completing certain tasks and submitting reports. Pursuant to CDO R5-2015-0128, the Discharger planned to: (1) replace the current pollution control technology (i.e., a wet electrostatic precipitator [ESP]) with a dry ESP, (2) shelter all bottom/fly ash storage areas with sufficient covering to prevent precipitation from infiltrating into and leaching from waste ash, (3) modify current log conditioning practices for more efficient log conditioning to eliminate or considerably reduce reused process wastewater from ponding on the log yard, and (4) eliminate storage of process wastewater at the Facility's onsite gravel mining area (eliminated on 6 August 2015).
4. On 8 October 2015, the Discharger submitted an administrative amendment application to the United States Environmental Protection Agency (U.S. EPA) to secure an amendment to the Discharger's Prevention of Significant Deterioration (PSD) permit for the installation of a dry ESP.
5. On 15 January 2016, the Discharger informed the North Sierra Air Quality Management District (NSAQMD) of the planned changes to their future wood-fired boiler operations in order to modify the existing air quality permit, which was approved with an Authority to Construct on 1 March 2016.
6. On 29 February 2016, U.S. EPA rejected the Discharger's request for an administrative amendment to the Discharger's PSD permit because it was determined that the change in air pollution control equipment was of non-identical equipment and

could not be considered an administrative amendment.

7. On 4 March 2016, the Discharger submitted information requested by U.S. EPA to process the Discharger's previously submitted administrative amendment application as a PSD permit minor modification, which was publicly noticed on 30 March 2016.
8. During the public comment period, comments were received by U.S. EPA, which resulted in rejection of the PSD permit minor modification and an extension of the public comment period. The Discharger will likely not meet the final compliance deadline in CDO R5-2015-0128 due to circumstances beyond its control in the process to renew the air quality permit (i.e., a timeline for approval of the minor PSD permit modification is unknown).
9. On 29 July 2016, the Discharger submitted a letter requesting an extension of the final effluent limit compliance date written within CDO R5-2015-0128. Based on current scheduling issues (i.e., delays in obtaining the PSD permit minor modification) the Discharger's best approximation for a date of achieving compliance is 1 January 2018.
10. As outlined in Paragraph 9 of CDO R5-2015-0128, and below, the Discharger has met the requirements of the CDO and the Executive Officer has concurred that compliance was or is impossible, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger.

If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with deadlines set forth in this Order, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger or its agents, employees, contractors, consultants and any other person acting on the Discharger's behalf, and which could not have been reasonably foreseen and prevented or minimized by the exercise of due diligence by the Discharger, the Discharger shall notify the Executive Officer in writing within thirty (30) days of the date the Discharger first knew of the event or circumstance that caused or could cause a violation of this Order. The notice shall describe the reason for the nonperformance and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the Discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Discharger shall adopt all reasonable measures to avoid and minimize such delays.

11. The issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to California Code of Regulations, title 14, sections 15061 subdivision (b)(3), 15306, 15307, 15308, and 15321 subdivision (a)(2).

12. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend CDO R5-2015-0128 and has provided them with an opportunity to submit their written views and recommendation.

IT IS HEREBY ORDERED THAT:

Effective immediately, CDO R5-2015-0128 is amended as shown in the underline/strikeout format below and in Attachment 1 to this Order.

1. Changed the title and order number throughout the document to "Amended Cease and Desist Order R5-2015-0128-01."
2. Modified Finding 22 as shown below:

As a component of settling ACL Complaint R5-2014-0576, the Central Valley Water Board and the Discharger agreed to Stipulated Order R5-2015-0544. The Central Valley Water Board and the Discharger acknowledged a common goal of achieving a zero discharge operation at the Facility in Stipulated Order R5-2015-0544. To work towards that end, the Discharger intends to replace the existing wet electrostatic precipitator (WESP) with a dry electrostatic process (DESP), to be operational by 1 January ~~2017~~ 2018. Both the Central Valley Water Board and the Discharger agreed to memorialize the project schedule and final compliance deadline for conversion to a dry electrostatic process in this Order. The final deadline for installing and operating a DESP has been extended by one year, to 1 January 2018, based on a 29 July 2016 request from the Discharger due to circumstances beyond its control as outlined in Ordered Paragraph 9. The 29 July 2016 extension request is attached hereto for reference.

3. Added the following to the end of paragraph 1 in Finding 28:

On 29 July 2016, the Discharger provided justification that diligent progress was made towards compliance with final effluent limits. However, progress has been inhibited due to air quality permitting delays with the United States Environmental Protection Agency. The Discharger has requested a one-year extension of the final effluent limit compliance deadline for copper and lead effluent limits, which results in final effluent limit compliance date of 1 January 2018. The 1 January 2018 deadline represents the Discharger's best approximation for complying with this Order's requirements because of permitting delays in constructing a DESP. The one-year extension complies with requirements of Water Code section 13385, subdivision (i)(3)(C)(ii)(II).

4. Changed the year in Finding 29, as shown below:

Compliance with this Order exempts the Discharger from MMPs for violations of final copper and lead effluent limits contained in WDR Order R5-2009-0015 from the date of this Order until 1 January ~~2017~~ 2018.

5. Changed the year in Finding 30, as shown below:

In accordance with Water Code section 13385, subdivision (j)(3)(C), the total length of protection from MMPs for final copper and lead effluent limits does not exceed ten years. The initial five year time schedule, as allowed pursuant to Water Code section 13385, subdivisions (j)(3)(A) through (D), expired 18 May 2015 for AMELs, and expired on 5 February 2014 for MDELs. An extended time schedule period from 18 May 2015 until 1 January ~~2017~~ 2018, for AMELs, and from 6 February 2015, the date of TSO No. R5-2015-0007, until 1 January ~~2017~~ 2018, for MDELs, is pursuant to Water Code section 13385, subdivision (j)(3)(C)(ii)(II).

6. Added new Finding 46, which reads as shown below:

On 6 December 2016, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board considered the proposed amendments to Cease and Desist Order No. R5-2015-0128.

7. Modified the year in Item 2 of the "IT IS HEREBY ORDERED" section as follows:

The following interim effluent limitations shall be effective immediately. The interim effluent limitations for copper and lead shall be effective until 1 January ~~2017~~ 2018, or when the Discharger is able to come into compliance, whichever is sooner.

8. Added two progress report due dates, 1 May 2017 and 1 October 2017, to the table within Item 3 of the "IT IS HEREBY ORDERED" section.

9. Changed the year from 2017 to 2018 for the last two task compliance dates in the table of Item 3 of the "IT IS HEREBY ORDERED" section.

10. Changed the paragraph reference number from 11 to 12 in the last sentence of Item 9 within the "IT IS HEREBY ORDERED" section.

Where the Executive Officer does not concur that compliance was or is impossible, the matter will be scheduled for hearing before the Central Valley Water Board and no penalty imposed pursuant to Paragraph 1244 below unless the Regional Water Board upholds the Executive Officer's determination.

11. Added the following wording to the CDO's ending signature block:

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 11 December 2015, and as amended by Order R5-2016-0088 on 6 December 2016.

12. Added wording to end of amended CDO that reads:

Attachment A: 29 July 2016 Extension Request

13. Placed the Discharger's 29 July 2016 extension request letter as an attachment to the amended CDO.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 6 December 2016.

Original Signed By

PAMELA C. CREEDON, Executive Officer

Attachment 1: Copy of amended CDO with changes incorporated