

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2015-XXXX  
REQUIRING

COLLINS PINE COMPANY  
CHESTER SAWMILL  
PLUMAS COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2009-0015  
(NPDES PERMIT CA0004391)

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

1. On 5 February 2009, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2009-0015, NPDES Permit CA0004391, prescribing WDRs for the Collins Pine Company (hereinafter Discharger) at the Chester Sawmill (hereinafter Facility), Plumas County.
2. WDR Order R5-2009-0015, contains Final Effluent Limitations IV.A.1.a., which reads, in part, as follows:

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	7.44	14.92
Lead, Total Recoverable	µg/L	2.95	5.92

3. Effluent limitations specified in Order R5-2009-0015 for copper and lead were new limits based on implementation of the California Toxics Rule, which were not prescribed in the previous WDR, Order R5-2004-0012, adopted by the Central Valley Water Board on 30 January 2004. The Discharger was unable to immediately comply with the average monthly effluent limitations for copper and lead, therefore, WDR Order R5-2009-0015 provided a time schedule for meeting final average monthly effluent limitations for copper and lead. Compliance with these average monthly effluent limits for copper and lead was to be achieved by 18 May 2010. WDR Order R5-2009-0015 did not provide a time schedule for meeting maximum daily effluent limits for copper and lead. Compliance with the maximum daily effluent limits for copper and lead was assumed to be immediately achievable.

**Need for Time Schedule Extension and Legal Basis**

4. Since WDR Order R5-2009-0015 was adopted, the Discharger has made efforts to improve facility performance as it relates to treatment and control of copper and lead in the effluent. Efforts include: sourcing and quantifying contaminants in the waste stream, improving treatment system components, analyzing treatment efficiency, altering the

Facility's clarifier configuration and operation, modifying the configuration and operation of the Facility's ash settling basins, and installing and operating effluent reuse systems.

5. The Discharger modified several processes at the Facility to meet the requirements imposed by the copper and lead effluent limitations in WDR Order R5-2009-0015. However, the modified facility has not been able to meet final average monthly nor maximum daily effluent limitations for copper and lead. Additional treatment facilities and/or additional source control measures must be implemented.
6. The Discharger has been evaluating plans to (1) repair the boiler wall to improve combustion efficiency and contain fugitive ash, (2) make changes to settling pond configuration including increased depth, baffles, planted filter strips, and piping to direct flow to bottom of the ponds, (3) configure log deck recycling pumps and sprinklers for improved water reuse capabilities, (4) evaluate chemical pH controls with monitoring feedback loop, (5) improve performance of the clarifiers, (6) implement pre-quench chamber effluent recirculation, (7) design and complete a process treatment system flow and constituent loading characterization, and (8) review treatment chemicals associated with process wastewater.
7. The Discharger has also been evaluating the feasibility, economic requirements, and practicality of upgrading facilities and/or implementing reclamation and/or land disposal, which would eliminate or reduce the Facility's discharge to surface water.
8. On 24 September 2013 the Discharger met with Central Valley Water Board staff to discuss the NPDES permit renewal process and facility compliance issues. On 7 January 2014, 3 March 2014, and 16 June 2014 the Discharger submitted a request and justification for additional time to comply with final effluent limitations for copper and lead. The submittals included justification for a time schedule for compliance which included: (a) documentation that diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream; (b) documentation of source control measures and/or pollution minimization measures currently underway or completed; (c) a proposal for additional or future source control measures and, pollutant minimization actions; and (d) a demonstration that the proposed schedule is as short as practicable.

### **Mandatory Minimum Penalties**

9. Water Code sections 13385, subdivisions (h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. Water Code section 13385, subdivision (j)(3) exempts the waste discharge from MMPs "*where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length...*".

10. In accordance with Water Code section 13385, subdivision (j)(3)(A) through (D), the Central Valley Water Board finds that, based upon results of effluent monitoring, the Discharger is not able to consistently comply with the new average monthly effluent limitations for copper and lead. These limitations are based on new requirements that became applicable to the Order after the effective date of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
11. Per the requirements of Water Code section 13385, subdivisions (j)(3)(A) through (D), the Central Valley Water Board finds that:
  - a. This Order specifies the actions that the Discharger is required to take in order to correct the copper and lead effluent violations that would otherwise be subject to Water Code sections 13385(h) and 13385(i).
  - b. To comply with final effluent limitations for copper and lead, the Discharger has determined that additional treatment facilities and/or additional source control measures must be implemented at the Facility.
  - c. This Order establishes a time schedule to bring the waste discharge into compliance with final effluent limitations that is as short as possible, taking into account technological, operational, and economic factors that affect design, development, and implementation of control measures that are necessary to comply with copper and lead effluent limitations.
12. The final average monthly effluent limitations for copper and lead became applicable to the waste discharge on 18 May 2010. The maximum daily effluent limitations for copper and lead became applicable to the waste discharge on 5 February 2009. By statute, a Time Schedule Order may provide protection from MMPs for no more than five years, except as provided in Water Code section 13385, subdivision (j)(3)(C)(ii)(II). Five years from the effective date of the new average monthly effluent limits is 18 May 2015. Five years from the effective date of the new daily maximum effluent limits is 5 February 2014.
13. The Discharger has demonstrated that approximately two years is a necessary amount of time to comply with final effluent limitations for copper and lead.
14. The Discharger has not been previously provided a time schedule order for protection from MMPs for violations of final effluent limitations for copper and lead. The new average monthly effluent limitations for copper and lead became effective on 18 May 2010 and the new maximum daily effluent limitations for copper and lead became effective on 5 February 2009. A time schedule from the effective date of this Order until 18 May 2015 may be provided pursuant to Water Code section 13385, subdivision (j)(3)(A) through (D) to allow for protection from MMPs for violations of the average

monthly effluent limitations for copper and lead. A time schedule beyond 18 May 2015 may be provided pursuant to Water Code section 13385, subdivision (j)(3)(C)(ii)(II) for violations of average monthly effluent limitations for copper and lead.

Protection from MMPs for violations of maximum daily effluent limitations for copper and lead may not be provided pursuant to Water Code section 13385(j)(3)(A) through (D) because more than five years has expired since those limits became effective. However, protection from MMPs for violations of maximum daily effluent limitations for copper and lead may be provided pursuant to Water Code section 13385, subdivision (j)(3)(C)(ii)(II).

15. Per the requirements of Water Code section 13385(j)(3)(C)(ii)(II), following a public hearing, and upon a showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the Central Valley Water Board may extend the time schedule for an additional period not exceeding five years in length, if the Discharger demonstrates that the additional time is necessary to comply with the effluent limitation. In accordance with Water Code section 13385, subdivision (j)(3)(C)(ii)(II), the total length of the extended time schedule does not exceed five years in length. The Central Valley Water Board finds, as described in previous findings in this Order, that the Discharger has demonstrated due diligence to bring the waste discharge into compliance with final effluent limitations for copper and lead contained in WDR Order R5-2009-0015 through the following: sourcing and quantifying of contaminants in the waste stream, improving treatment system components, and analyzing treatment efficiency. Furthermore, the Discharger has demonstrated that additional time is necessary to comply with the final effluent limitations for copper and lead contained in WDR Order R5-2009-0015.
16. Compliance with this Order exempts the Discharger from MMPs for violations of the final effluent limitations for copper and lead found in WDR Order R5-2009-0015 from the date of this Order (XX February 2015) until 1 January 2017.
17. In accordance with Water Code section 13385(j)(3)(C), the total length of protection from mandatory minimum penalties for the final effluent limitations for copper and lead does not exceed ten years. The initial five year time schedule as allowed pursuant to Water Code section 13385, subdivision (j)(3)(A) through (D) expires 18 May 2015 for the average monthly effluent limits, and expired on 5 February 2014 for the maximum daily effluent limits. An extended time schedule period from 18 May 2015 until 1 January 2017 for the average monthly effluent limits, and from the effective date of this Order until 1 January 2017 for the maximum daily effluent limits is pursuant to Water Code section 13385(j)(3)(C)(ii)(II).
18. This Order provides a time schedule for completing actions necessary to ensure compliance with the final effluent limitations for copper and lead contained in WDR Order R5-2009-0015. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.

19. This Order includes new performance-based interim effluent limitations for copper and lead. Interim copper and lead effluent limitations consist of a maximum daily effluent limitation (MDEL) and an average monthly effluent limitation (AMEL) derived using sample data provided by the Discharger. In developing the performance-based interim AMEL, where there are 10 data points or more and only once per month sampling is required, sampling and laboratory variability is accounted for by establishing interim effluent limitations that are based on normally distributed data where 99.9 percent of the data points will lie within 3.3 standard deviations of the mean (*Basic Statistical Methods for Engineers and Scientists*, Kennedy and Neville, Harper and Row, 3rd Edition, January 1986). When at least 80 percent of the data points are reported as non-detect (ND) values, or if there are less than 10 data points available, the interim AMEL is based on 3.11 times the maximum observed effluent concentration (MEC) when once per month sampling is required. Additionally, if either of these procedures produces an interim AMEL less than the MEC, the MEC is sometimes established as the interim AMEL, as was done in this case. The interim MDEL can be calculated by multiplying the calculated AMEL with a multiplier from Table 2 (which is each parameters MDEL multiplier divided by their AMEL multiplier) of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*. To calculate the coefficient of variation (COV), division of sample variance by sample mean was completed using historical records. In this case, the interim MDEL is also being set at the MEC because using the Table 2 multiplier would result in an unnecessarily high MDEL, especially given the actual distribution of the data set. Therefore the interim AMEL and MDEL are the same values.

September 2010 through September 2014 effluent data were used in calculating interim effluent limitations for copper and lead. January 2013 through April 2013 data was not included in the calculations due to standard operating conditions not being met at the Facility. The following table summarizes the calculation of the interim effluent limitations:

**Interim Effluent Limitation Calculation Summary**

Parameter	Units	# of Samples	Mean	Standard Deviation	COV	99.9%	MEC	Interim AMEL	Interim MDEL
Copper, Total Recoverable	µg/L	78	7.27	3.83	0.526	19.9	26	26.0	26.0
Lead, Total Recoverable	µg/L	42	1.92	2.01	1.05	8.5	12.8	12.8	12.8

20. The Central Valley Water Board finds that the Discharger can maintain compliance with interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with final effluent limitations cannot be achieved by the existing Facility. Discharge of constituent concentrations in excess of final effluent limitations, but in compliance with interim effluent limitations, can significantly degrade water quality and adversely affect beneficial uses of the receiving stream on a long-term basis. Interim effluent limitations, however, establish an enforceable ceiling concentration until compliance with final effluent limitations can be achieved.

21. If an interim effluent limitation contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in Water Code section 13385, subdivision (j)(3). It is the intent of the Central Valley Water Board that a violation of an interim AMEL subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim MDEL subjects the Discharger to one MMP for the day in which the sample was collected.

### Other Regulatory Requirements

22. Water Code section 13300 states: *“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”*
23. Water Code section 13267 states in part: *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*
24. The Discharger owns and operates the industrial process wastewater treatment facility which is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the WDRs and with this Order.
25. Issuance of this Order is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA) pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit (*Pacific Water Conditioning Ass’n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

- 26. In the event the selected alternative requires additional review under CEQA, the Discharger shall conduct required review and obtain appropriate approval prior to initiating construction.
- 27. On **XX February 2015**, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under Water Code section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

**IT IS HEREBY ORDERED THAT:**

- 1. Pursuant to Water Code sections 13300 and 13267, the Discharger shall comply with the following time schedule to submit reports and ensure compliance with the final effluent limitations for copper and lead contained in WDR Order R5-2009-0015, as described in the above Findings:

Task	Compliance Date
<b>Work Plan and Schedule.</b> The Discharger shall submit a work plan and schedule to achieve compliance with final effluent limitations for copper and lead.	1 April 2015
<b>Submit and implement a Pollution Prevention Plan (PPP).</b> The PPP shall be prepared for copper and lead in accordance with Water Code section 13263.3, subdivision (d)(2). The PPP shall describe pollution prevention activities the Discharger will implement in the short-term and the long-term to reduce effluent concentrations for copper and lead.	1 May 2015
<b>Semi-Annual Progress Reports<sup>1</sup></b> The Discharger shall submit semi-annual progress reports. The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final compliance date.	1 August 2015 1 February 2016 1 August 2016
<b>Treatment Feasibility Study.</b> The Discharger shall submit a treatment feasibility study for copper and lead examining the feasibility, cost and benefits of different treatment options that may be required to remove copper and lead from the discharge.	1 August 2015
<b>Final Compliance.</b> Comply with final effluent limitations for copper and lead.	1 January 2017

<sup>1</sup>Semi-annual progress reports are inclusive of any progress to comply with final effluent limitations from January 1 through June 30 for the first semi-annual report (due 1 August) and July 1 through December 31 for the second semi-annual report (due 1 February).

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

Parameter	Units	Interim AMEL	Interim MDEL
Copper, Total Recoverable	µg/L	26.0	26.0
Lead, Total Recoverable	µg/L	12.8	12.8

3. For the compliance schedule required by this Order, the Discharger shall submit to the Central Valley Water Board on or before the compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule.
4. Any person signing a document submitted under this Order shall make the following certification:
- “I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*
5. In accordance with Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.
6. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.



7. 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, section 2050 et seq. 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 (including mandatory furlough days), 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

Tentative

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COLLINS PINE COMPANY  
CHESTER SAWMILL  
PLUMAS COUNTY

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 **XX February 2015**.

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PAMELA C. CREEDON, Executive Officer

Tentative