

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2004-0023  
WDID NO. 1A96069NTRI

WASTE DISCHARGE REQUIREMENTS

FOR

TRINITY RIVER LUMBER COMPANY  
WEAVERVILLE LUMBER MILL

Trinity County

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

1. Trinity River Lumber Company (hereinafter referred to as the Discharger) owns and operates a lumber mill located in Weaverville, California, Section 7, T33N, R9W, MDB&M, as shown in Figure 1. The mill site lies within the Weaver Creek watershed and is located on dredge tailings overlying shallow underflow in the old channels of East Weaver Creek and Lance Gulch. Weaver Creek is a tributary to the Trinity River.
2. Activities conducted at the mill include decking and sprinkling logs, manufacturing and storing sawn lumber, applying an approved fungicide to finished lumber products, shipping operations, and performing equipment and vehicle maintenance and fueling operations.
3. The mill generates storm water runoff from an approximately 45-acre area. Storm water runoff and sprinkled log deck runoff (process water) are generated from two separate sprinkle areas, as shown in Figure 2. The combined area generating process water is approximately 14.2 acres. Process water collects waste byproducts associated with timber and is considered wastewater. Historically, process water commingled with storm water was discharged directly to Lance Gulch. The lumber mill was therefore regulated under National Pollutant Discharge Elimination System (NPDES) permit.
4. Waste Discharge Requirements Order No. 97-14, was adopted by the Regional Water Board on February 27, 1997 (NPDES Permit No. CA0025046) to regulate waste discharges from the sawmill. Prohibition A.1 in Order No. 97-14 prohibited "discharge of waste to Weaver Creek and its tributaries, except for storm water as provide in the Action Plan for Storm Water Discharges."

5. Cease and Desist Order No. 97-15, adopted by the Regional Water Board on February 27, 1997, was issued to the Discharger. Order 97-15 included requirements for eliminating discharges of process water mixed with storm water to Lance Gulch. Order 97-15 was rescinded on August 26, 1999.
6. NPDES permit, Order 97-14 expired on February 27, 2002. Regional Water Board staff informed the Discharger that the NPDES permit would not be reissued as it was previously done. Process water discharges are inconsistent with the North Coast Water Quality Control Plan (Basin Plan) policy prohibiting waste discharges to the Trinity River and its tributaries.
7. Site modifications have been implemented to separate storm water runoff from process water, to the extent practicable. Storm water runoff from the mill entrance and office area is directed to a containment pond that stores water intended for fire suppression. During storm events, overflow from the fire suppression pond discharges to Lance Gulch. Process water from the log deck areas discharges to one of the three containment sumps. Process water is recirculated and reused continuously. Prior to storm events, process water is transferred from the containment sumps to a percolation pond to prevent overflows into Lance Gulch. Storm water runoff from the other areas of the facility discharges to a storm water ditch, which discharges to Lance Gulch.
8. Site modifications have been implemented to increase the storage capacity of the percolation pond. These measures are designed to minimize overflow potential and subsequent direct discharges of process water to surface waters. Overflow potential will continue depending on the intensity and duration of rainfall events. During overflow conditions, the percolation pond discharges to an infiltration area located south of the facility. Additional work may be required in the future to eliminate overflow potential entirely. Process water could discharge into Lance Gulch through subsurface flow from the percolation pond. Sampling of Lance Gulch is required by a monitoring and reporting program to determine if indirect discharges are occurring.
9. This Order regulates disposal of process water. Storm water discharges are regulated under a General Industrial Activities Storm Water Permit. A storm water pollution prevention plan (SWPPP) has been developed as part of the industrial storm water program.
10. A large stockpile of log deck cleanup materials located on the mill site was created throughout the years by gradual accumulation. The stockpile is comprised of bark, rock, and/or soil. Mill operations include separating usable materials from the waste stockpile. Decomposed organic and fine earthen materials are temporarily stockpiled in the upper mill yard area. These materials are subsequently used as a soil amendment and for landscaping. Rock is used on-site for filling the log deck low areas.

11. Dry kiln and boilers with their associated fuel system were taken out of operation in 1995. This measure eliminated 3,750 gallons per day of boiler wastewater discharge to a subsurface field.
12. The Basin Plan includes water quality objectives, implementation plans for point source and nonpoint source discharge prohibitions, and statewide plans and policies. The Basin Plan prohibits discharge to the Trinity River and its tributaries except as provided in the Action Plan for Storm Water Discharges.
13. Beneficial uses of the Trinity River and its tributaries include:
  - a. municipal and domestic water supply
  - b. agricultural water supply
  - c. industrial service supply
  - d. industrial process supply
  - e. groundwater recharge
  - f. freshwater replenishment
  - g. hydropower generation
  - h. contact water recreation
  - i. non-contact water recreation
  - j. cold freshwater habitat
  - k. wildlife habitat
  - l. migration of aquatic organisms
  - m. spawning, reproduction, and/or early development
  - n. navigation
14. Existing and potential beneficial uses of areal groundwater include:
  - a. municipal water supply
  - b. agricultural water supply
  - c. industrial water supply
15. The action to adopt waste discharge requirements is exempt from the provision of the California Environmental Quality Act as an existing facility. (Title 14, Division 7, Chapter 3, Section 15301, California Code of Regulations).
16. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
17. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

THEREFORE, IT IS HEREBY ORDERED that the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

**A. DISCHARGE PROHIBITIONS**

1. Discharge of any waste not specifically regulated by this Order is prohibited.
2. Discharge of waste from the lumber mill facility to Weaver Creek or its tributaries is prohibited.
3. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC), is prohibited.
4. Discharge of waste to land that is not under the control of the Discharger is prohibited, except as authorized under **D. SOLIDS DISPOSAL 1.**
5. Discharge of wood treatment chemicals or stain control fungicides to Weaver Creek or its tributaries or to groundwater is prohibited.
6. Discharge of domestic waste, treated or untreated, to surface waters is prohibited.
7. Discharge of bark, twigs, branches, sawdust, or wood chips is prohibited except as specified in **B. DISCHARGE SPECIFICATIONS 3.**

**B. DISCHARGE SPECIFICATIONS**

1. The pH of process water discharged into the percolation pond shall be not less than 6.0 nor greater than 9.0.
2. There shall be no acute toxicity in process water during periods when process water is being discharged to the percolation pond. The Discharger will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted waste complies with the following:
  - a. Minimum for any one bioassay: 70% survival
  - b. Median for any three or more consecutive bioassays: at least 90% survival

3. The discharge of sawdust and wood chips shall be reduced to the maximum extent practicable by the implementation of best management practices (BMPs) specified in the Storm Water Pollution Prevention Plan. All BMPs must be implemented to the maximum extent practicable.

#### **C. GROUNDWATER LIMITATIONS**

1. Storage and disposal of process water shall not cause or contribute to a statistically significant increase in the level of pollutants compared to background groundwater quality, as measured in monitoring well samples.
2. Storage and disposal of process water shall not cause or contribute to levels of chemicals in groundwater exceeding levels specified in the California Code of Regulations Title 22, Division 4, Chapter 15, Article 4, Section 64431.
3. Storage and disposal of process water shall not cause or contribute to alterations of groundwaters that result in taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.
4. Storage and disposal of process water shall not cause concentrations of chemicals in groundwater designated agricultural supply (AGR) in amounts that adversely affect such beneficial use.

#### **D. SOLIDS DISPOSAL**

1. Woodwaste, including bark, rock, and/or soil from the surface or perimeter of a log deck, shall be maintained in a clean and orderly manner. The woodwaste shall be either disposed at a solid waste facility for which waste discharge requirements have been prescribed by a Regional Water Board or recycled.

#### **E. GENERAL PROVISIONS**

1. Availability

A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel.

2. Duty to Comply

The Discharger shall comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for WDR termination, revocation and reissuance, or modification; or denial of the WDR renewal application.

3. Severability

Provisions in the waste discharge requirements of this Order are severable. If any provision of the requirements is found invalid, the remainder shall not be affected.

4. Operation and Maintenance

The Discharger shall maintain in good working order and operate as efficiently as possible any facility or control system (including related appurtenances) installed to achieve compliance with these waste discharge requirements.

5. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

6. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order, which has a reasonable likelihood of adversely affecting human health or the environment.

7. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

8. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

9. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger must notify the succeeding owner or operator of the following items by letter, a copy of which must be forwarded to the Regional Water Board:

- a. existence of this Order, and
- b. the status of the Discharger's annual fee account

10. Permit Actions

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order; or
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination

The Regional Water Board may also review and revise this Order at any time upon application of any person, or on Regional Water Board's own motion.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation

11. Monitoring

The Discharger shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2004-0023 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses must be conducted at a laboratory certified for such analyses by the State Department of Health Services.

12. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

- a. to enter premises in which an effluent source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of this Order;
- c. to inspect monitoring equipment or records; and
- d. to sample any discharge.

13. Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the Discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

14. Signatory Requirements

- a. All Report of Waste Discharge applications submitted to the Regional Water Board shall be signed by either a principal executive officer, ranking elected official, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:
  - i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
  - ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Reports required by this Order, other information requested by the Regional Water Board, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
  - i. the authorization is made in writing by a person described in paragraph (a) of this provision;
  - ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an



individual or position having overall responsibility for environmental matters for the company; and

iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b) & (c)]

c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

#### 15. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

#### Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on May 12, 2004.

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Catherine E. Kuhlman  
Executive Officer