

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2005-0013

Mandatory Minimum Penalties

For

Violation of NPDES Requirements
Order No. 99-59
NPDES No. CA0006017
WDID No. 1B83104OHUM

In the Matter of

Pacific Lumber Company
Scotia

For

Failure to File Two Monthly Monitoring Reports in a Timely Manner

Humboldt County

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) Section 13385(h) and 13385.1 is issued to the PACIFIC LUMBER COMPANY (hereinafter Permittee) based on a finding of failure to timely submit two discharger monitoring reports required pursuant to CWC Section 13383 as prescribed in Order No. 99-59 (NPDES No. CA0006017) and the associated monitoring and reporting program.

The Executive Officer of the Regional Water Quality Control Board, North Coast Region (Regional Water Board) finds the following:

1. The Permittee operates a secondary sewage treatment plant, a sawmill and associated wood-fuel steam-electric power plant (hereinafter facility) located at Main Street in Scotia, California. The Permittee discharges wastewater from multiple points including Discharge Serial No. 003 (Latitude 40° 29' 12", Longitude 124° 06' 06 "). Facility wastewater consisting of disinfected effluent, noncontact cooling water, boiler blowdown, hydraulic barker effluent and miscellaneous process waste discharges to the log pond. The water is susceptible to containing pollutants, which can degrade water quality and impact beneficial uses of water, and which are defined as pollutants under the federal Clean Water Act. The pollutants are discharged from the facility into the Eel River, a navigable water of the United States.

2. On August 26, 1999, the Regional Water Board adopted Order No. 99-59, which prescribes waste discharge requirements and serves as an NPDES permit (NPDES No. CA0006017) for the discharge of treated wastes from the facility to the Eel River.
3. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit monthly NPDES self-monitoring reports to the Regional Water Board pursuant to the authority of CWC Section 13383. The monthly reports are due by the fifteenth day of the month following sampling.
4. The Regional Water Board received the Permittee's June 2004 monthly report on September 27, 2004, a total of 74 days after the due date of July 15, 2004, and the July 2004 monthly report was received on September 27, 2004, a total of 43 days after the due date of August 15, 2004.
5. CWC Section 13385(h) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. CWC Section 13385.1(a)(1) identifies the failure to timely file a discharge monitoring report required pursuant to CWC Section 13383 for each complete period of 30 days following the deadline for submitting the report as a "serious violation."

YOU ARE HEREBY GIVEN NOTICE THAT:

6. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$6,000 for submittal of the June 2004 monitoring report 74 days late and \$3,000 for submittal of the July 2004 monitoring report 43 days late. The total mandatory minimum penalty for the two monthly monitoring reports is \$9,000.
7. A hearing shall be conducted on this Complaint by the Regional Water Board within 90 days after service of this Complaint on the Permittee pursuant to CWC Section 13323. The Regional Water Board will hold a hearing on April 20, 2005, unless the Permittee waives the right to a hearing by signing and returning the waiver form attached to this Complaint within 30 days of this Complaint. By doing so, the Permittee agrees to pay the mandatory penalty of \$9,000 in full within 30 days of the date of this Complaint.
8. Notwithstanding the issuance of the Complaint, the Regional Water Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements.

9. This enforcement action is exempt from the provisions of the **California** Environmental Quality Act (California Public Resources Code **Section 21000**et seq.) in accordance ~~with~~ California Code of Regulations, title 14 Section 15321.
10. Regulations of the U.S. **Environmental** Protection Agency require public notification of **any** proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on **any** proposed settlement of this Complaint.


for Catherine E. Kuhlman
Executive Officer

February 15,2005