

**California Regional Water Quality Control Board
North Coast Region
Water Code Sections 13267 and 13383 Investigative Order No. R1-2023-0055**

**Directing Humboldt Sawmill Company, LLC
to Submit Technical Information, and Sampling and Monitoring Reports
Pertaining to Discharges from the Scotia Sawmill and Cogeneration Plant**

Humboldt County

FINDINGS

The North Coast Regional Water Quality Control Board (Regional Water Board) finds that:

1. Humboldt Sawmill Company, LLC (Discharger) is the owner/operator of the Scotia Sawmill and Cogeneration Plant (Facility).
2. The Discharger owns and operates the 247-acre Facility in Scotia in Humboldt County. At the Facility, the Discharger processes lumber for sale and generates power at its cogeneration plant. The Discharger's tenant, California Timber Operations of Kansas Asphalt Inc. (Kansas Asphalt), operates an asphalt batch plant and conducts associated gravel operations on 5.5 acres of the Facility at its southernmost portion.
3. Stormwater Multiple Application and Report Tracking System (SMARTS) documents identify Humboldt Redwood Company, LLC (Humboldt Redwood Company) as the previous owner and operator for the sawmill, the cogeneration plant, and the asphalt plant at the Facility, having filed for coverage under the *General Permit for Storm Water Discharges Associated with Industrial Activities Order 97-03-DWQ* in 2008.
4. On November 30, 2018, the Discharger filed a Notice of Intent to enroll in the Facility for coverage under the *General Permit for Storm Water Discharges Associated with Industrial Activities Order 2014-0057-DWQ* (Industrial General Permit). The Discharger is required to comply with all the conditions of the Industrial General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and may subject the Discharger to administrative civil liability pursuant to California Water Code (Water Code) section 13385, subdivision (c).
5. After the Discharger obtained coverage under the Industrial General Permit, the Discharger began operating the sawmill and cogeneration plant portions of the Facility, while Humboldt Redwood Company continued operating the asphalt plant. Subsequently, Kansas Asphalt began operating the asphalt plant in July 2021. On June 17, 2022, Kansas Asphalt filed for permit coverage for the asphalt plant as the Discharger's tenant.

6. The Facility's stormwater runoff ultimately reaches the Eel River, a water of the State and United States. The Eel River is listed as impaired on the federal Clean Water Act (Clean Water Act) section 303(d) list for decreased dissolved oxygen, excess aluminum, excess sedimentation/siltation, and elevated temperature. Discharges from portions of Facility are conveyed to the Eel River in different ways; either directly, as discharge from the Retention Pond¹, or indirectly to unnamed tributaries, to the Tree Plantation area as discharge to land, or via the adjacent Log Pond².
7. As identified in the Facility Site Maps (Attachment A), Drainage Areas 1 and 7 include lumber storage, kilns, an office building, employee parking lot, boiler, sawmill, log planer, paved log deck, retention pond and a portion of the Tree Plantation area. Drainage Area 7 also includes the air-dry and bone yards on the east side of Highway 101. The runoff within the air-dry and bone yards drains into a small stormwater pond located on the east side of highway 101, which is also located within Drainage Area 7.
8. As identified in the Facility Site Maps, Drainage Area 2 consists of the cogeneration area and bottom ash storage area on the north side of the Facility adjacent to the Log Pond owned by the Scotia CSD. Drainage Area 3 includes a vehicle fueling area, the main office, and a forestry operation building. Drainage Area 4 on the southernmost portion of the Facility is mostly used as a lumber storage area. Drainage Area 10 has minimal industrial activities and is located on the southeastern portion of the upper yard. Drainage Area 11 is considered a non-industrial area and includes the Tree Plantation area.
9. The Facility's runoff within Drainage Area 1 and Drainage Area 7 is mostly captured in on-site storm drain inlets that discharge into the main Retention Pond located at the south side of the Facility before discharging to the Eel River as shown in Attachment A. Previously, run-on water directed to Drainage Area 2 included stormwater from the Town of Scotia; however, this flow was diverted after completion Scotia CSD's stormwater conveyance improvement in 2019.
10. Oil/water separators and a newly installed clarifier are used on-site as advanced BMPs besides stormwater ponds.

¹ Labeled "Retention Pond" in the uploaded site map in SMARTS.

² The Log Pond is owned and operated by the Scotia Community Services District (CSD) as part of their wastewater treatment system.

11. On May 9 and 10, 2022, Regional Water Board, State Water Resources Control Board (State Water Board) and U.S. Environmental Protection Agency (EPA) staff inspected the Facility during heavy rain and observed numerous violations of the Industrial General Permit requirements and documented their findings in an inspection memo.³
12. On May 5, 2023, the Regional Water Board issued a Notice of Violation (NOV) to the Discharger for violations of Clean Water Act section 301 (33 U.S.C. 1311), Discharge Prohibitions set forth in Waste Discharge Requirements Order No. R1-2012-0065, the Water Quality Control Plan for the North Coast Region (Basin Plan), and requirements of the Industrial General Permit as observed in May 2022. The NOV specifically identified the requirements of the Industrial General Permit that the Discharger violated, including, but not limited to, good housekeeping, spill prevention and response, material handling and waste management, and erosion and sediment control, in addition to the discharge prohibition provision of the Basin Plan. The Discharger's failure to implement applicable and adequate BMPs resulted in an unauthorized discharge of turbid and foamy water from the Retention Pond to the Eel River creating a threat to water quality.

LEGAL AND REGULATORY AUTHORITY

1. This Investigative Order (Order) conforms to and implements policies and requirements of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000), including Water Code sections 13267 and 13383, and the Basin Plan.
2. Water Code section 13267, subdivision (a), provides that the Regional Water Board may investigate the quality of any waters of the state within its region. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require any person who has discharged, discharges, or is suspected of having discharge or discharging waste within its region to furnish, under penalty of perjury, technical or monitoring program reports.
3. The burden, including costs, of reports required under Water Code section 13267 shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. The reports required under Water Code section 13267 are necessary to understand the impacts of discharges to

³ See Regional Water Board inspection memo for inspections dated May 9 and 10, 2022, which was provided to the Discharger on October 18, 2022, and it was uploaded to SMARTS on the same day.

the Eel River, to ensure that any threat to water quality created by activities at the Facility are properly assessed and controlled, and to prevent unauthorized discharges of waste to waters of the state and U.S. The burden of compiling these reports, including the costs associated with collecting the information, bears a reasonable relationship to the benefits that will be obtained from the reports. This Order requires notifications, copies of reports, engineering reports, and cost reporting. Staff estimates the costs of the reports to be between approximately \$50,500-\$67,500 for the required plan preparations and \$50,400-\$66,000 for conducting enhanced sampling/monitoring and lab costs annually. The estimated costs are broken down as follows:

- a. One-time cost estimate of \$50,500 to \$67,500 includes: Updating the tributary area map(s), infrastructure mapping and field verification, design plan and calculations, and BMP maintenance plan. All plans must be prepared by a Qualified Industrial Storm Water Practitioner (QISP) except the design calculation that must be done by a California licensed Professional Engineer (PE).
 - b. Annual cost estimate of \$50,400 to \$66,000 includes: Conducting the enhanced monitoring and sampling for anticipated 20 discharge events, preparation of annual report summary of lab results for all parameter during a reporting year, field sampling collection and pH, turbidity and Dissolved Oxygen analysis, incidental costs, and the lab costs for the required analytical parameters analysis.
4. Water Code section 13383, subdivision (a) provides, in part, that the Regional Water Board may establish monitoring, inspection, reporting, and record keeping requirements for any person who discharges, or proposes to discharge to navigable waters. The Eel River is a water of the United States. Subdivision (b) provides that the Regional Water Board may require any person to establish and maintain monitoring equipment or methods and provide other information as may be reasonably required.
 5. Delayed Compliance: If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the approving officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may only be granted by a letter from the Assistant Executive Officer.

REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and/or 13383, the Discharger shall submit technical reports containing the following information by the due date(s) identified for each requirement:

A. Notification and Post Incident Summary Requirement

1. The Discharger shall notify the Regional Water Board within 24 hours after any “incident,” defined herein as any of the following: a spill, unauthorized discharge, or any discharge in excess of any applicable Instantaneous Maximum Numeric Action Level (NAL) value.

Notification shall be made via email to northcoast@waterboards.ca.gov and farzad.kasmaei@waterboards.ca.gov, and by phone to (707) 576-2220.

2. The Discharger is required to submit a written post-incident summary and response plan to SMARTS within 72 hours for any incident as described in A.1. above. The post-incident summary, at a minimum, must include the following:
 - a. A summary of the incident including cause, time, location, duration, material and quantity of discharge, impacts to receiving waters, monitoring results, and immediate response actions taken;
 - b. Corrective actions planned, including a schedule of implementation, remediation actions, and work undertaken to prevent reoccurrence of the incident;
 - c. All supporting documentation including photographs, site maps, manifests, work orders, schedule of work, monitoring results, calibration logs, etc.

B. Enhanced Stormwater Monitoring and Reporting

1. The Discharger shall monitor, analyze, and report discharges from all discharge points from the Facility, as well as any sampling points within the Facility identified in the SWPPP. Samples shall be collected during daylight hours, seven days a week. The Discharger shall collect one sample from each discharge point per day of discharge, which may occur during a rain event or separate from the rain event due to the storage and discharge control structures and other advanced

BMPs at the Facility. The monitoring shall include photographic documentation of the discharges and sampling activities. All samples shall be collected by a QISP or by personnel trained by a QISP and the sample results, along with all supporting documentation, shall be submitted to SMARTS within two business days of receiving final lab results. The monitoring and reporting under this requirement shall, at a minimum, be conducted and as follows:

- a. Discharge samples shall be collected at all points where discharges leave the Facility and/or enter a receiving water. Each discharge location must be sampled as soon as discharge is observed at that location.
- b. Visual observation must be conducted at all discharge points each day of precipitation. If discharge occurs, sampling must be conducted as described within this section. If no discharge is observed, documentation must be provided consistent with item B.1.c. below.
- c. If a rain event does not generate runoff from the Facility or from a specific discharge point, or if a required sample was not successfully collected or analyzed, the Discharger must identify the discharge point(s) where samples were not collected and describe the conditions and/or reason that the sampling event was unsuccessful in the monitoring report. Photographic documentation must be provided at all discharge locations during any discharge. Photo documentation must also be provided to support any claim that no discharge occurred during a rain event.
- d. All samples shall be analyzed for turbidity, pH, and Dissolved Oxygen (DO) using calibrated field meters. All data recorded on field sampling sheets and all supporting calibration records shall be provided.
- e. All samples shall be analyzed for Total Suspended Solids (TSS), Oil and Grease, Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), total Aluminum (Al), total Zinc (Zn), total Iron (Fe), total Copper (Cu), and total Chromium (Cr) submitted to a laboratory certified by the California Environmental Laboratory Accreditation Program (ELAP) for chemical analysis using sufficiently sensitive test procedures, as defined in Provision 6, below.

- f. Any result that exceeds the range of the field meter must also be further analyzed by a certified laboratory to determine an actual value in the sample.
 - g. All supporting documentation, including, but not limited to, chain of custody, laboratory reports, and field notes shall be provided.
 - h. Include National Oceanic and Atmospheric Administration (NOAA) sourced precipitation data. Site specific and/or other rain gauge data may also be provided to supplement the NOAA data. Reference information, including data source, must be provided with any supplemental data submitted.
2. All discharge monitoring data collected shall be maintained in a spreadsheet and made available to the Regional Water Board. This complete spreadsheet must be provided via SMARTS as an attachment to the Annual Report required by the Industrial General Permit. The spreadsheet shall include, at a minimum, the following fields:
 - a. Date, time, and location of sample collection, location description, daily rainfall total;
 - b. Name of person collecting samples;
 - c. List of all parameters analyzed, monitoring results, units of measurement, method detection limit, identify if the sample was field or laboratory analyzed;
 - d. Mathematical comparison against applicable Basin Plan requirements (i.e., turbidity and pH); and
 - e. Reference to photos and other supporting documentation.

C. Stormwater Infrastructure Mapping, Assessment, and Analysis

1. By **December 22, 2023**, the Discharger shall upload to SMARTS, and notify of submittal via email to northcoast@waterboards.ca.gov and farzad.kasmaei@waterboards.ca.gov, the following required documents for review and approval by the Regional Water Board Executive Officer, or their designee:
 - a. Updated tributary area map(s) that provides drainage areas to each storm drain system. This tributary area map shall be

based on site topography, field verified infrastructure locations, and include all run-on to the Facility.

- b. Infrastructure mapping and field verification locating all stormwater pipes, inlets, and structures and all sewer lines and structures. Additional infrastructure features including vaults, valves, oil and water separators, clarifiers, pumps, sump, junction boxes, and all outfalls and discharge control features must also be located and properly identified. The mapping shall include, at a minimum, the following items:
 - i. All outfalls and discharge points from the Facility including those to the Log Pond, the Eel River, ditches, ponds, tributaries, or to land for infiltration;
 - ii. Ponds;
 - iii. Cross connections;
 - iv. Flow paths and surface flow directions of all stormwater and wastewater.
 - v. Locations of any waste commingling between;
 - vi. Areas of run-on to the Facility;
 - vii. Areas of run-off leaving the Facility; and
 - viii. All monitoring locations.
- c. Revised SWPPP reflecting correct infrastructure and implemented BMPs.
- d. Design plans and calculations, including all hydrology and hydraulics and volume calculations, for all advanced Best Management Practices (BMPs). Include all contributing runoff and run-on. Identify the design storm, rainfall data source, and factor of safety applied which at a minimum is in accordance with Section X.H.6 of the Industrial General Permit. Provide analysis for:
 - i. All existing ponds on-site;
 - ii. Stormwater clarifier;
 - iii. Oil water separator.
- e. Provide the maintenance plan, including frequency of maintenance, and maintenance records, for all advanced BMPs including the retention pond, oil/water separators and clarifier.

PROVISIONS

1. Use of Registered Professionals: The Discharger shall provide documentation that each technical report required by this Order was prepared under the direction of appropriately qualified professionals. In preparing each technical report required by this Order, any engineering or geologic evaluation and judgment must be performed by, or under the direction of, registered professionals pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. A statement of qualifications and registration numbers of the responsible lead professional shall be included in the report submitted by the Discharger. The lead professional shall sign and affix his or her registration stamp to the report.
2. Personnel: All monitoring and sample collection shall be completed by personnel properly trained on the appropriate sample collection method, instrumentation, quality control, sample preservation requirements, hold times, equipment calibration, chain of custody, and data submittal. Personnel training records shall be maintained and made available to Regional Water Board staff upon request and shall remain available for a period of not less than three years.
3. Laboratory Certification: Laboratories analyzing monitoring samples shall be certified by the State Water Board, in accordance with Water Code section 13176, and must include quality assurance/quality control data with their reports.
4. The Discharger may analyze pollutants that have associated analytical methods with short hold times (e.g., pH, chlorine residual, etc.) using field equipment or its on-site laboratory provided that the Discharger has standard operating procedures (SOPs) that identify quality assurance/quality control procedures to be followed to ensure accurate results. The Discharger must demonstrate sufficient capability to adequately perform these field tests (e.g., qualified and trained employees, properly calibrated and maintained field instruments). The program shall conform to U.S. EPA guidelines or other EO approved procedures.
5. Instrumentation and Calibration Provision: All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated no less than the manufacturer's recommended intervals or one-year intervals, (whichever comes first) to ensure continued accuracy of the devices.

6. Minimum Levels (ML) and Reporting Levels (RL): U.S. EPA published regulations for the Sufficiently Sensitive Methods Rule (SSM Rule) which became effective September 18, 2015. Unless otherwise specified by this Order, all monitoring shall be conducted according to test procedures established at 40 C.F.R. 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. All analyses shall be conducted using the lowest practical quantitation limit achievable using U.S. EPA approved methods. When more than one test procedure is approved under 40 C.F.R., part 136 for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40 C.F.R. 122.21(e)(3) and 122.44(i)(1)(iv).

A U.S. EPA-approved analytical method is sufficiently sensitive where:

- a. The ML is at or below both the level of the applicable water quality criterion/objective for the measured pollutant or pollutant parameter; or
 - b. The ML is above the applicable water quality criterion/objective, but the amount of the pollutant or pollutant parameter in characterization sample is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the sample; or
 - c. The method has the lowest ML of the U.S. EPA-approved analytical methods where none of the U.S. EPA-approved analytical methods for a pollutant can achieve the MLs necessary to assess the need for effluent limitations.
7. Signatory Requirements: The technical reports shall be signed and certified by either a principal executive officer, ranking elected official, or the person with overall responsibility for environmental matters for the Discharger. Additional reports submitted in support of the technical report must be signed by the principal author.
 8. Certification Statement: Any report submitted in response to this Order shall include the following perjury statement:

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.

NOTIFICATIONS

1. Enforcement Discretion: The Regional Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order. Furthermore, compliance with this Order is wholly distinct from any possible enforcement that may follow from the discharges themselves, pursuant to violations of the Water Code or other orders issued by the Regional Water Board.
2. Enforcement Notification: Pursuant to Water Code section 13268, failure to submit the required technical reports as required by Water Code section 13267(b), or falsifying any information provided therein, may result in the imposition of administrative civil liability up to \$1,000 per violation per day. Failure to comply with any technical reports required by Water Code section 13383 may result in the imposition of administrative civil liability up to \$10,000 per violation per day. Any actual unauthorized discharge to waters of the United States may subject the Discharger to up to \$10,000 for each day of discharge, and \$10 for each gallon over 1,000 gallons not cleaned up pursuant to Water Code section 13385. The Regional Water Board reserves its right to take any further enforcement action authorized by law.
3. California Environmental Quality Act Compliance: The issuance of this Order is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15306.

The submission of technical information does not constitute a project with environmental impacts.

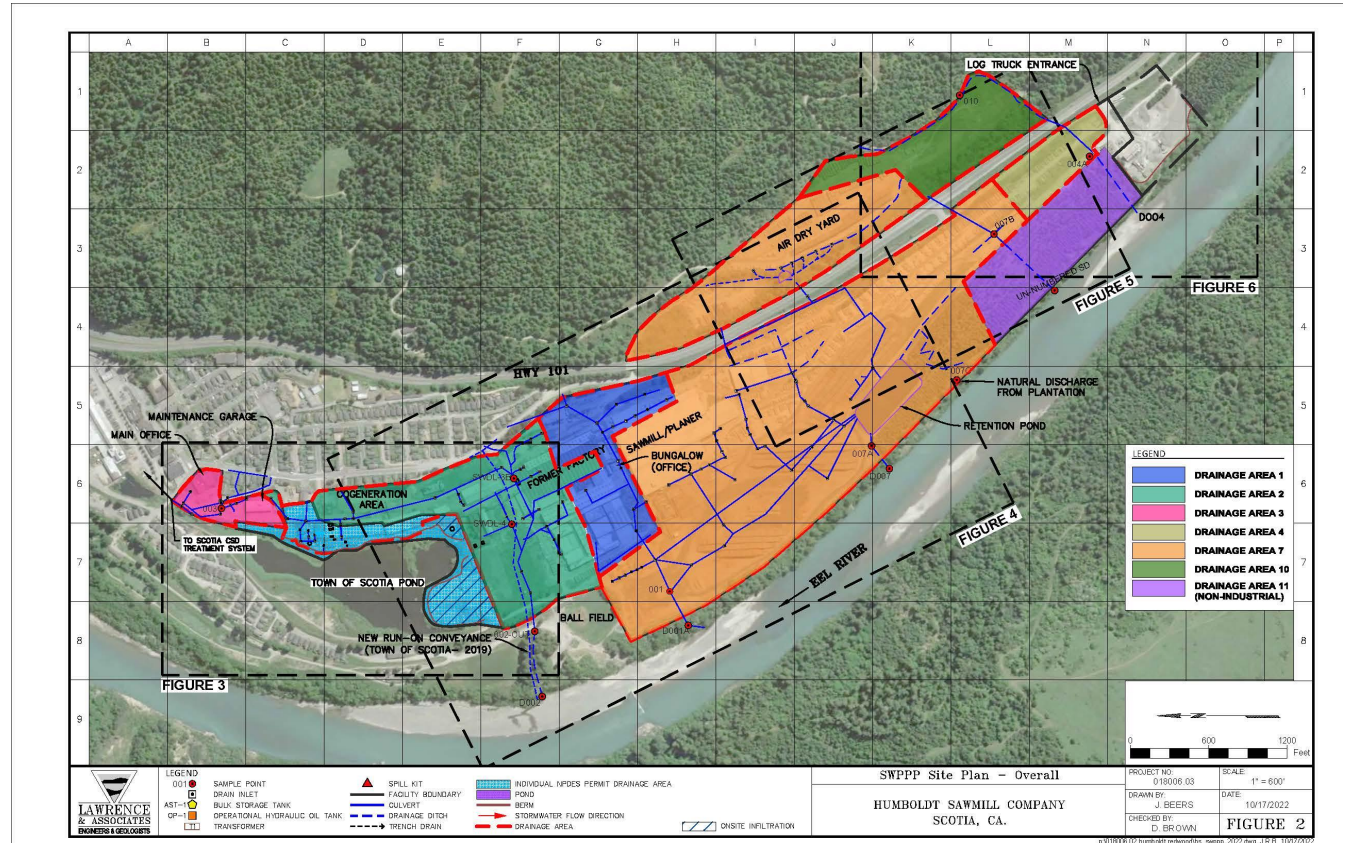
4. Appeal Notification: Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the 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 (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: https://www.waterboards.ca.gov/public_notices/petitions/water_quality/ or will be provided upon request.

Humboldt Sawmill Company, LLC
Scotia Sawmill and Cogeneration Plant
Investigative Order No. R1-2023-0055
SMARTS WDID: 1 12I027974

It is hereby ordered:

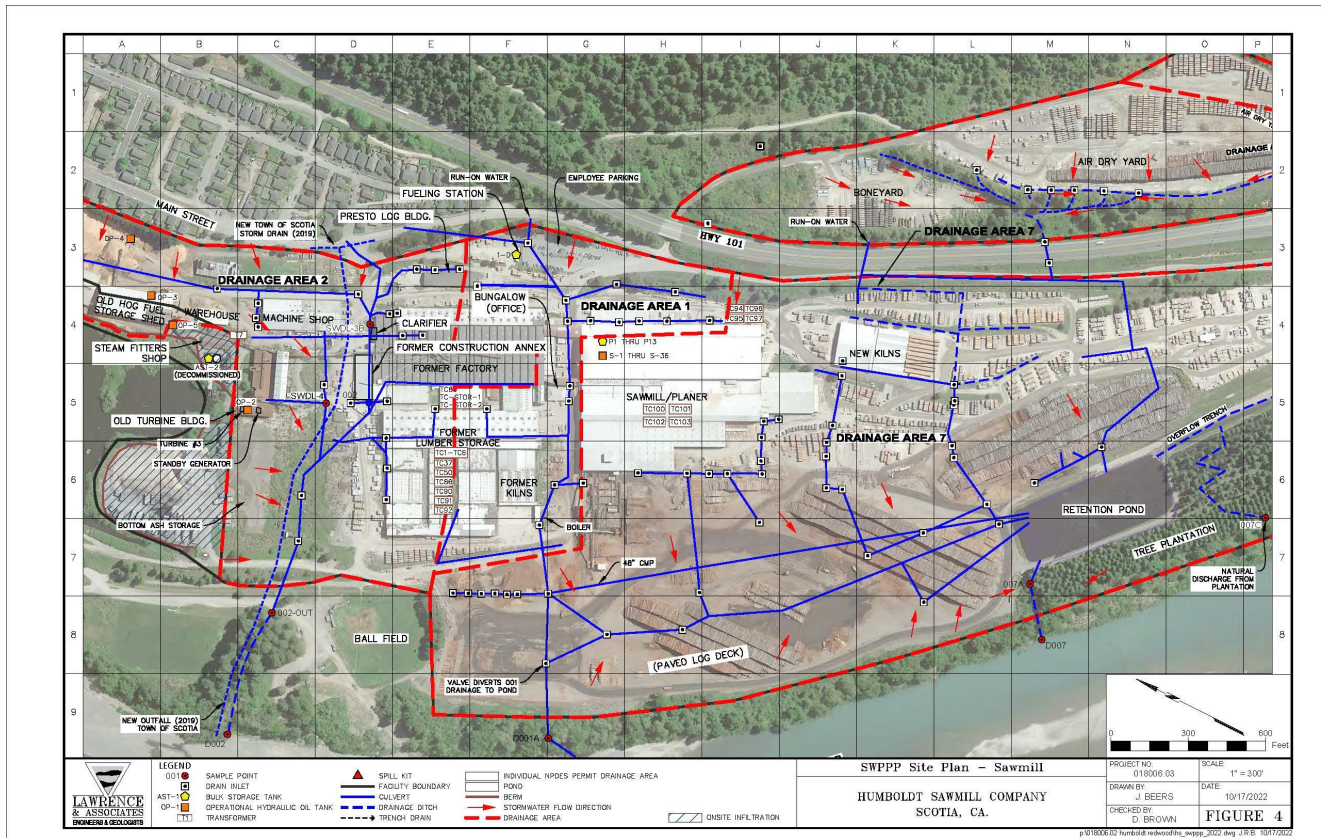
Claudia E. Villacorta, P.E.
Assistant Executive Officer

Attachment A: Site Maps



Site Map 1: The most updated site map that was prepared by the Discharger's consultant indicating all drainage areas.

Humboldt Sawmill Company, LLC
 Scotia Sawmill and Cogeneration Plant
 Investigative Order No. R1-2023-0055
 SMARTS WDID: 1 12I027974



Site Map 2: The most updated site map that was prepared by the Discharger's consultant indicating drainage areas and the location of the Retention Pond.